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SENATE JOURNAL
OF THE
Extraordinary Session
OF THE
**Twenty-third Legislative
Assembly**
OF THE
STATE OF MONTANA

Held at Helena, the Seat of Government of Said State,
commencing November 27, 1933 and
ending January 19, 1934

PUBLISHED BY AUTHORITY

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OFFICERS AND MEMBERS

OF THE

Twenty-third Extraordinary Legislative Assembly of the State of Montana

Governor, F. H. COONEY

ROBERT PAULINE, President of the Senate Pro Tem
Speaker of the House, DENNIS A. DELLWO

STATE SENATORS

NAME	Residence	County	Politics
*Angvick, Lars	Reserve	Sheridan	Republican
Armstrong, Bert B.	Livingston	Park	Democrat
*Burr, Geo. A.	Winnett	Petroleum	Democrat
*Campbell, John L.	Missoula	Missoula	Republican
Carey, Emmett	Glendive	Dawson	Republican
Carroll, L. Ray	Roundup	Musselshell	Republican
Church, W. R.	Helena	Lewis & Clark	Democrat
†Clarke, Walter E.	Forsyth	Rosebud	Republican
Clifford, Frank H.	Havre	Hill	Democrat
Coburn, John W.	Cut Bank	Glacier	Republican
*Cooper, George R.	DeBorgia	Mineral	Republican
*Corwin, John W.	Park City	Stillwater	Republican
Danielsen, T. P.	Poplar	Roosevelt	Democrat
Delaney, F. W.	Terry	Prairie	Democrat
*Donovan, L. P.	Shelby	Toole	Democrat
*Duncan, M. M.	Virginia City	Madison	Democrat
*Eaton, Ernest T.	Polytechnic	Yellowstone	Republican
*Egkren, E. P.	Harlem	Blaine	Republican
*Galt, Errol F.	Geyser	Judith Basin	Republican
*Garber, John D.	Plains	Sanders	Democrat
Harris, Orville	White Sul. Sprgs.	Meagher	Republican
Hennessy, W. B.	Conrad	Pondera	Democrat
*Himsel, V. S.	Plevna	Fallon	Republican
Holt, Elmer	Miles City	Custer	Democrat
Holton, Albert	Cohagen	Garfield	Republican
*Husband, W. C.	Harlowton	Wheatland	Republican
*Jergensen, James A.	Whitehall	Jefferson	Republican
Kalberg, F. S.	Circle	McCone	Republican
*Kane, Tom	Corvallis	Ravalli	Republican
*Kaulbach, J.	Fort Benton	Chouteau	Republican
Keeley, W. E.	Deer Lodge	Powder	Republican
Kelsey, Frank F.	Moorhead	Powder River	Republican
*Kemmis, W. D.	Sidney	Richland	Republican
Kilduff, J. F.	Malta	Phillips	Democrat
Lamp, F. M.	Big Timber	Sweet Grass	Republican
*Larson, T. O.	Choteau	Teton	Republican
MacGilyra, E. E.	Polson	Lake	Republican
Melton, George M.	Dillon	Beaverhead	Democrat
Murphy, Thos. F.	Anaconda	Deer Lodge	Democrat
*Page, John R.	Phillipsburg	Granite	Democrat
Parkin, E. J.	Bozeman	Gallatin	Republican
*Pauline, Robert	Kalspell	Flathead	Republican
Plank, Leonard	Chester	Liberty	Democrat
Plumer, A. J.	Hysham	Treasure	Democrat
*Putnam, J. A.	Hardin	Big Horn	Democrat
*Reed, Grant	Townsend	Broadwater	Republican
*Rowland, M. D.	Libby	Lincoln	Republican
*Ruffcorn, William	Glasgow	Valley	Republican
Simmons, H. A.	Red Lodge	Carbon	Republican
Sparling, J. T.	Flaxville	Daniels	Democrat
*Staggs, W. L.	Wibaux	Wibaux	Republican
Thien, Henry	Ryegate	Golden Valley	Independent
*Walker, Thomas J.	Butte	Silver Bow	Democrat
†Wass, L. M. A.	Roy	Fergus	Democrat
*Wheeler, Leon L.	Ekalaka	Carter	Republican
*Willis, S. A.	Great Falls	Cascade	Democrat

*Holdover. Elected in 1930.

†Elected to fill unexpired term of E. E. Fenton, resigned.

‡Elected to fill unexpired term of Sam W. Teagarden, deceased.

C. J. McALLISTER, Secretary.

House of Representatives

NAME	Residence	County	Politics
Abrahamson, John C.	Roberts	Carbon	Democrat
Acher, John W.	Zurich	Blaine	Democrat
Anderson, Eric	Regina	Phillips	Republican
Annin, J. T.	Columbus	Stillwater	Republican
Arnold, John	Birney	Rosebud	Democrat
Balgord, O. P.	Lavina	Golden Valley	Republican
Ballard, Jack	Carlyle	Wibaux	Democrat
Beadle, M. Kerr	Butte	Silver Bow	Democrat
Besancon, Albert	Missoula	Missoula	Democrat
Bjorneby, E. G.	Kalispell	Flathead	Democrat
Blankenbaker, V. F.	Virgelle	Chouteau	Democrat
Breitenstein, A. J.	Havre	Hill	Democrat
Byrne, E. J.	Galata	Toole	Democrat
Campbell, Ray C.	Great Falls	Cascade	Democrat
Chapman, D. W.	Peerless	Daniels	Democrat
Conner, J. B.	Farmington	Teton	Democrat
Cusker, Dolly	Poplar	Roosevelt	Democrat
Daugherty, Dennis E.	Baker	Fallon	Democrat
Dellwo, D. A.	Charlo	Lake	Democrat
Doe, Everett	Philipsburg	Granite	Democrat
Doran, Tod	Butte	Silver Bow	Democrat
Duffy, James L.	Havre	Hill	Democrat
Ecton, Zales	Manhattan	Gallatin	Republican
Ferry, John F.	Butte	Silver Bow	Democrat
Findlater, R. P.	Miles City	Custer	Republican
Fitzstephens, Joseph	Belgrade	Gallatin	Democrat
Fowler, C. W.	Billings	Yellowstone	Republican
Freed, Eldon	Winnett	Petroleum	Democrat
Freudenstein, Lou	Butte	Silver Bow	Democrat
Givens, Frank G.	Great Falls	Cascade	Democrat
Goodwin, Phil C.	Butte	Silver Bow	Democrat
Grabow, Edward E.	Livingston	Park	Democrat
Green, Henry R.	Lindsay	Dawson	Republican
Groene, Merle C.	Lewistown	Fergus	Democrat
Hagerty, Dave J.	Miles City	Custer	Democrat
Haight, Herbert	Suffolk	Fergus	Democrat
Harlen, Harry C.	Chinook	Blaine	Democrat
Harrington, Jerry J.	Butte	Silver Bow	Democrat
Hilger, Peter	Helena	Lewis & Clark	Democrat
Holecek, J. F.	Lewistown	Fergus	Democrat
Jensen, Walter H.	Great Falls	Cascade	Democrat
Knowles, S. H.	Boulder	Jefferson	Republican
Kruse, Albert H.	Brusett	Garfield	Republican
Kuhl, Herman E.	Luther	Carbon	Democrat
Larsen, Leonard E.	Anaconda	Deer Lodge	Democrat
Lewis, David J.	Sioux Pass	Richland	Republican
Logan, E. U.	Billings	Yellowstone	Republican
Lott, Mortimer J.	Twin Bridges	Madison	Republican
Love, J. B.	Glendive	Dawson	Democrat
McCarvel, Thos. F.	Anaconda	Deer Lodge	Democrat
McDermott, Peter	Butte	Silver Bow	Democrat
McElwain, L. C.	Deer Lodge	Powell	Republican
Manning, D. M.	Hysham	Treasure	Democrat
Marshall, M. R.	Missoula	Missoula	Republican
Mason, George P.	Helena	Lewis & Clark	Democrat
Metlen, Joe	Armstead	Beaverhead	Democrat
Miles, Ben B.	McLeod	Sweet Grass	Republican
Miller, Robt. J.	Lodge Grass	Big Horn	Democrat
Miller, Timothy	Libby	Lincoln	Democrat
Moss, G. M.	Whitefish	Flathead	Republican
Mulholland, M. J.	Butte	Silver Bow	Democrat
Nass, J. N.	Glasgow	Valley	Democrat
Nelstead, T. E.	Ekalaka	Carter	Republican
Nutting, L. A.	Laurel	Yellowstone	Democrat
O'Connell, Jerry J.	Butte	Silver Bow	Democrat
O'Shea, Jas.	Roberts	Carbon	Democrat
Parker, Neil C.	Creston	Flathead	Republican
Parker, W. K.	Radersburg	Broadwater	Democrat
Pierson, Geo. W.	Billings	Yellowstone	Democrat
Pilgeram, Wm. P.	Armington	Cascade	Democrat
Porter, A. T.	Stevensville	Ravalli	Democrat
Quamme, T. N.	Brady	Pondera	Republican
Ragen, D. J.	East Helena	Lewis & Clark	Democrat
Ralston, Harry M.	Glacier Park	Glacier	Democrat
Rearden, John D.	Great Falls	Cascade	Democrat
Reardon, Ray	Anaconda	Deer Lodge	Democrat
Replogle, Bert	Lewistown	Fergus	Democrat
Rognlien, I. D.	Kalispell	Flathead	Democrat

HOUSE OF REPRESENTATIVES—(Continued)

NAME	Residence	County	Politics
Roll, Fritz	Great Falls.....	Cascade.....	Republican
Rolph, H. D.	Joplin.....	Liberty.....	Democrat
*Sadring, John E.	Roundup.....	Musselshell.....	Republican
Schuster, Andrew L.	Avondale.....	Valley.....	Democrat
Setzer, G. W.	Malta.....	Phillips.....	Republican
Shannon, Ray N.	Thompson Falls.....	Sanders.....	Democrat
Snidow, T. A.	Billings.....	Yellowstone.....	Democrat
Somerville, Thomas	Wilsall.....	Park.....	Democrat
Spangler, R. W.	Superior.....	Mineral.....	Democrat
Sparling, Harry	Medicine Lake.....	Sheridan.....	Republican
Stephens, Guy C.	Circle.....	McCone.....	Democrat
Stevens, I. Thayer	Harlowton.....	Wheatland.....	Republican
Stiefel, E. A.	Belgrade.....	Gallatin.....	Democrat
Strange, G. B.	Stevensville.....	Ravalli.....	Republican
Sullivan, Dan W.	Butte.....	Silver Bow.....	Democrat
Trenne, M. P.	Poplar.....	Roosevelt.....	Republican
Ueland, Andrew	Outlook.....	Sheridan.....	Republican
Waite, W. T.	Broadus.....	Powder River.....	Republican
Watson, Arthur H.	White Sul. Sprgs....	Meagher.....	Republican
Watson, Fred	Missoula.....	Missoula.....	Republican
Whaley, James	Fallon.....	Prairie.....	Democrat
White, B. C.	Buffalo.....	Judith Basin.....	Democrat
Wigal, E. E.	Missoula.....	Missoula.....	Democrat
Woodcock, J. W.	Fort Benton.....	Chouteau.....	Democrat

*Not seated.

JOHN J. JEWELL, Chief Clerk.

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	Chapter 166, of the Laws of Montana, 1933, providing a method of arriving at net income, allowing certain deductions and exempting certain corporations from said tax; to provide for allocation of income to Montana of business done by corporations both within and without the state; to provide for the necessary enforcement and collection of said tax, and penalties for failure to comply herewith, and granting powers to the State Board of Equalization to make rules and regulations relative thereto."	107, 126.
51	A Bill for an Act entitled: "An Act amending Section 1, and Section 4, of Chapter 174, of the Session Laws of 1933, requiring every person, firm, co-partnership, association, joint stock company, syndicate and corporation engaged in or carrying on the business of constructing, maintaining and operating telephone lines and telephone instruments within the State of Montana to pay license taxes and providing penalties.".....	107, 137, 154, 167, 182, 183, 240, 243, 244, 249, 253, 271, 272, 273, 312, 313, 316, 317, 321, 324, 335, 339.
52	A Bill for an Act entitled: "An Act establishing an emergency relief fund; creating a state institution to be known as emergency relief; defining the purpose and directing the administration thereof; and directing the distribution of moneys to said fund.".....	107, 119, 129, 146, 167, 169, 192, 198, 212, 216.
53	A Bill for an Act entitled: "An Act to provide for the sale of spirituous and vinous liquors at wholesale by the State of Montana; creating the Montana Liquor Control Board, and providing for the operation thereof; providing for a stamp tax and the issuance of licenses for the retail sale of such liquors in the State of Montana and providing for the distribution of moneys collected hereunder for emergency relief and other purposes.".....	107, 127, 137, 146.
54	A Bill for an Act entitled: "An Act to authorize the erection of buildings for the Greater University of Montana at Lewistown; to authorize the borrowing of money for the construction of said buildings, to create a fund out of which the principal of and the interest upon the money so borrowed may be paid, and to provide that the money so borrowed shall not be and never shall become a charge against the State of Montana, or a liability, debt or obligation of the State of Montana; to authorize the State Board of Education to move, sell or dismantle any and all buildings	

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	now occupied or used by the units of said University; limiting the amount of indebtedness to be incurred not to exceed Two and One-half Millions of Dollars."	107, 127, 137, 146, 153, 154.
55	A Bill for an Act entitled: "An Act to amend Chapter 109 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, relating to the regulation and sale of gasoline and other petroleum products, by adding after Section 19 thereof a new section to be known as Section 19A, providing for the revocation by the Public Service Commission of the license to engage in the business of selling gasoline and other petroleum products issued to any person, firm, partnership, association or corporation, and granting the right of appeal where such revocation is ordered."	108, 129, 137, 146, 167, 169, 234.
56	A Bill for an Act entitled: "An Act relating to the imposition of a tax on the sale of gasoline; the collection and disposition thereof; and prescribing penalties for the violation of such Act.".....	108, 138, 154, 167.
57	A Bill for an Act entitled: "An Act to provide a privilege license tax on all persons, associations or corporations owning or operating a telephone or telegraph business in this state.".....	108, 137, 154, 167, 182, 183, 230, 240, 243, 244, 252, 253, 271, 295, 296, 310, 311.
58	A Bill for an Act entitled: "An Act to prohibit and prevent the waste of crude petroleum in the State of Montana; creating an Oil Conservation Board; providing for the appointment of the members of said board, providing the powers, duties and authority of said board and the members thereof; providing for the filing and hearing of complaints concerning waste of crude petroleum, and for oaths, subpoenas and depositions; providing for the cooperation of said board with the Government of the United States and department or bureau thereof in the administration and enforcement of the National Industrial Recovery Act and any order, rule, regulation or code, promulgated thereunder in so far as related to the petroleum industry; providing for the enforcement of the Act and the rules, regulations and orders of the said board and creating a fund for the purposes of said Act and providing for the assessment and collection thereof.".....	108, 129, 146, 147, 148, 159, 171, 173, 198.

No.	Title of Bill	Page
59	A Bill for an Act entitled: "An Act to amend Section 6112 of the Revised Codes of Montana, 1921, regarding the license fees to be paid by insurance corporations, associations and societies, to provide funds for the support and relief of the needy and for their employment, and for the financing of direct relief or work relief, or both, for a limited period."	108, 127, 138, 146, 165, 167.
60	A Bill for an Act entitled: "An Act requiring all persons, co-partnerships, firms, associations, joint stock companies, syndicates and corporations engaged in, or carrying on, the business in this state of contracting, or who shall enter into construction or improvement contracts, to pay to the State Board of Equalization certain license taxes for engaging in, carrying on, and entering into such business in this state; fixing the amount of such license taxes; providing a method for the assessment, collection and disposition thereof; and providing penalties for the violation of this Act."..	108, 138, 154, 167, 182, 183, 245, 252, 254, 271, 272, 273, 330, 332, 335, 336, 337, 338, 340, 343, 345, 347, 348, 349.
61	A Bill for an Act entitled: "An Act requiring licenses for the operation, maintenance, opening or establishment of banks and limiting of the legal rate of interest thereof, prescribing licenses and filing fees to be paid therefor, and the disposition thereof, and the powers and duties of the State Board of Equalization in connection therewith, and prescribing penalties for the violation thereof."	109, 138, 154, 187, 188, 189, 194, 201.
62	A Bill for an Act entitled: "An Act authorizing Bartholomew C. Dignan to file with the State Board of Examiners his claim against the State of Montana for compensation for injuries, for reimbursement for expenses occasioned by injuries received by him while employed in the office of the State Treasurer by reason of the ceiling falling upon him, and authorizing the said State Board of Examiners to hear, audit and determine the said claim, and making an appropriation to pay any such claim of said Bartholomew C. Dignan which said State Board of Examiners may approve and allow."	109, 197, 209, 218, 263, 268, 274, 296, 310, 311.
63	A Bill for an Act entitled: "An Act relating to the sale of cigarettes, and cigarette papers and wrappers and papers used and prepared for the	

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	making of cigarettes and imposing taxes thereon, and the levy, assessment, collection, payment, and distribution of a tax thereon; providing for issuing licenses for the privilege of engaging in the business of the sale thereof and providing for the levy, assessment, collection, payment, and distribution of a tax for the privilege of engaging in such business; providing for the regulation of the sales thereof, the enforcement of such tax and license, and penalty for violation of this Act; defining the duties of state and county officials and designating the funds into which the proceeds derived from such licenses and stamps shall be paid."	109, 137, 154, 188, 189, 190, 192, 327, 329, 333, 334, 339.
64	A Bill for an Act entitled: "An Act to amend Chapter 100 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, as amended by Chapter 176 of the Session Laws of 1933, relating to tax deeds, providing the method and procedure to be followed in applying for the tax deed and for the issuance thereof by the County Treasurer; the redemption of said lands from the tax sale; the form of deed to be issued and the title conveyed thereby."	109, 128, 129.
Sub. 64	A Bill for an Act entitled: "An Act to amend Sections 2 and 5 of Chapter 100 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, as amended by Chapter 176 of the Session Laws of 1933, relating to tax deeds, providing the method and procedure to be followed in applying for the tax deed and for the issuance thereof by the County Treasurer; the redemption of said lands from the tax sale; the form of deed to be issued and the title conveyed thereby."	128, 129, 137, 146, 167, 169, 170, 234, 244, 245.
65	A Bill for an Act entitled: "An Act to permit all contracts for state, county, municipal and school construction or repair work and maintenance to contain provisions conforming to the 'National Industrial Recovery Act,' or other Federal statutes providing for minimum wages, hours of labor and other restrictions concerning employment designed to reduce unemployment, and declaring an emergency to exist, and repealing all Acts and parts of Acts in conflict herewith."	109, 129, 182, 184, 187, 188, 257, 263, 264, 278, 280, 286, 299, 311, 313, 315, 316.

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66	A Bill for an Act entitled: "An Act defining 'cosmetics and kindred products'; and imposing certain license fees and taxes on the sale of 'cosmetics and kindred products' and fixing certain fees on the business of handling, receiving, selling, offering for sale, and dealing in through sale, barter, or exchange of 'cosmetics and kindred products' by any person, firm, association, joint stock company, syndicate, or corporation in this state, and to provide methods and penalties for the enforcement of the aforesaid tax and penalties and to appropriate and apportion the revenue derived from this tax to certain funds of the State of Montana, and repealing all Acts or parts of Acts in conflict herewith."	121, 138, 154, 182, 187.
Sub. 66	A Bill for an Act entitled: "An Act defining 'cosmetics and kindred products'; providing a license to engage in the business of selling the same; providing a license tax on the retail price of such cosmetics or kindred products sold or given away; providing for the payment and distribution of such license fee and license tax and providing for the regulation of the sales thereof, the enforcement of such tax and license, and penalty for violation of this Act; and defining the duties of state and county officials."	138, 154, 182, 184, 187, 261.
67	A Bill for an Act entitled: "An Act to provide emergency relief by authorizing Boards of Trustees of county high schools in counties where there are district high schools to borrow money and to enter into contracts and arrangements for the repair and construction of buildings and public works, providing for elections and procedure to be followed by county high school districts."	119, 120, 129, 146, 154, 166, 187.
Sub. 67	A Bill for an Act entitled: "An Act to provide emergency relief by the creation of high school districts and authorizing the Boards of Trustees of said high school districts to borrow money and to enter into contracts and arrangements for the repairs and construction of buildings and public works, providing for elections and procedure to be followed by high school districts."	166, 182, 184, 187, 256, 258, 264, 268, 274, 294, 295, 296, 310, 311.
68	A Bill for an Act entitled: "An Act to authorize the erection of a building or buildings for the Montana State Industrial School; to authorize the borrowing of money to pay for the construction of said building or buildings; to create a fund out of which the principal of and the interest upon	

No.	Title of Bill	Page
	the money so borrowed may be paid; and to provide that the money, so borrowed, shall not be and never shall become a charge against the State of Montana or a liability, debt or obligation of the State of Montana."	120, 145, 167, 186, 187, 189, 190, 193, 198, 199, 209, 210, 216, 226.
69	A Bill for an Act entitled: "An Act to refund to beer licensees on Indian reservations where licensees are prohibited from operating by reason of regulations of the Federal Government, and providing an appropriation therefor."	121, 138, 146, 182, 184, 188, 205, 216, 228, 232.
70	A Bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-third Legislative Assembly; per diem to the officers and attaches and for incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana."	127, 138, 146, 153, 154, 155, 159, 163, 165, 189.
71	A Bill for an Act entitled: "An Act appropriating money for the purchase of materials, equipment and supplies to be used in connection with the repairs and alterations to the state capitol buildings and grounds, and architects' fees in connection therewith."	138, 167, 182, 184, 186, 187, 220, 223, 229, 250, 251, 297, 310, 315.
72	A Bill for an Act entitled: "An Act to provide for a license tax upon goods, wares, merchandise or other personal property produced or manufactured in the State of Montana and sold by brokers or other agents engaged by the producer or manufacturer from without the State of Montana to sell such goods, wares, merchandise or other personal property within the State of Montana; and to provide for a penalty for the failure to pay said license tax."	146, 167, 182, 184, 186, 187, 221, 228, 233.
73	A Bill for an Act entitled: "An Act to appropriate money from the State Highway Fund for the operation and maintenance of the Horticultural Division of the Department of Agriculture, Labor and Industry for the period beginning January 1, 1934, and ending June 30, 1935, and additional	

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	to and supplementing the appropriations made for such office by the Twenty-third Legislative Assembly in Regular Session.".....	168, 197, 211, 212, 213, 214, 220, 223, 229, 235, 238.
74	A Bill for an Act entitled: "An Act to amend Section 9428 of the Revised Codes of Montana, 1921, providing that church property used for holding church services shall be exempt from judgment."..	188.
75	A Bill for an Act entitled: "An Act to appropriate money from the General Fund for the operation and maintenance of the office of the State Engineer for the period beginning July 1, 1933, and ending June 30, 1935; and additional to and supplementing the appropriations made for such office by the Twenty-third Legislative Assembly in Regular Session."	193, 197, 210, 212, 213, 220, 223, 229, 235, 238.
76	A Bill for an Act entitled: "An Act legalizing and validating all elections heretofore held in any city or town of this state, authorizing the creation or increase of the indebtedness of such city or town within or exceeding three per centum of the total assessed valuation of the taxable property of said city or town, as ascertained by the last assessment for state and county purposes, for any of the purposes set forth in Subdivision 64, Section 5039, Revised Codes of Montana, 1921, as amended, and Sections 1 and 3, Chapter 160, Session Laws of Montana, 1931, which elections were held after notice published and posted, as provided in Section 5279, or Section 8, Chapter 160, of the Session Laws of Montana of 1931, at which the proposal to create or increase said indebtedness received a majority of all votes tendered and of all votes cast at such election, and to repeal Chapter 4 of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana."	211, 213, 214, 217, 223, 226, 229, 235, 238.
77	A Bill for an Act entitled: "An Act to amend Section 4 of House Bill No. 3, enacted by the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, approved December 19, 1933."	211, 214, 220, 223, 226, 227, 230, 237, 238, 250, 251.
78	A Bill for an Act entitled: "An Act authorizing Boards of Trustees of school districts to levy special taxes for the payment of all warrants outstanding and unpaid at the close of the school year ending June 30, 1934.".....	232, 237, 238, 239, 255, 258, 273, 294, 295, 296, 310, 311.

No.	Title of Bill	Page
79	A Bill for an Act entitled: "An Act to amend Section 10, of Chapter 24, of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly, being 'An Act to provide emergency relief by employment by authorizing counties, cities, towns, rural improvement districts, school districts and any other political subdivisions, or any other governmental agencies of the state to make loans, convey lands, accept grants from the President of the United States and from the State of Montana, to borrow money and to enter into contracts and arrangements for the construction of public works.'"	237, 239, 245, 252, 253, 267, 271.
80	A Bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-third Legislative Assembly; per diem to the officers and attaches and for incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana."	285, 290, 291, 298, 299, 302, 312, 313, 315, 316.
81	A Bill for an Act entitled: "An Act to prohibit and prevent the waste of natural gas in the State of Montana and vesting in the Oil Conservation Board of the State of Montana, general control, regulation and supervision of the production and transportation of natural gas."	316, 317, 320.
82	A Bill for an Act entitled: "An Act providing for the administration and expenditure of the Emergency Relief Fund and appropriating money for the Montana Relief Commission for a period beginning January 1, 1934, and ending March 1, 1935."	340, 341, 342, 343, 344, 348.
83	A Bill for an Act entitled: "An Act to appropriate money from the General Fund for the operation and maintenance of the Governor's Mansion and office. The appropriations made by the Twenty-third Legislative Assembly having been found insufficient."	341, 344, 345, 348.

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HOUSE JOINT MEMORIALS		
1	A memorial to the Congress of the United States of America requesting immediate relief to the stockmen of Montana."	33, 34, 85.
Sub. 1	"A memroial to the Congress of the United States of America requesting the purchase of Montana cattle for distribution to workers on Federal projects and for the relief of the destitute in the State of Montana."	85, 91, 95, 96, 98, 110, 114, 132, 138.
2	A memorial addressed to the Congress of the United States, requesting the enactment of effective laws prohibiting the producers and distributors of gasoline from establishing unfair and unjust prices for the sale at retail to the people of the United States, and thus removing unjust discrimination.....	73, 84, 95, 98, 99, 103, 110, 114, 132, 138.
3	A memorial to the Congress of the United States of America, requesting the enactment of an adequate unemployment insurance law.....	51, 119, 129, 136, 137, 139, 153.
4	A memorial to the President of the United States and Congress of the United States relating to the condition of agriculture within the United States...	85, 92, 120, 128, 131, 135, 141, 150, 165, 189.
5	A memorial to the President of the United States of America requesting an investigation of water control of the Yellowstone River in Yellowstone Park.	154, 155, 167, 182, 184, 187, 205, 216, 217, 228, 232.
HOUSE JOINT RESOLUTIONS		
1	"A Resolution concerning the passage and approval of a bill when introduced by the Honorable Burton K. Wheeler, United States Senator from Montana, in the next session of Congress; fixing the Free and Unlimited Coinage of Silver on a Basis of Sixteen Ounces of Silver to one Ounce of Gold."	12, 60, 61, 75, 90, 105.

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2	"A Resolution inviting the Honorable Franklin D. Roosevelt, President of the United States, to visit Glacier National Park and elsewhere in Montana."	15, 18, 37, 43, 45, 49, 55, 76, 86.
3	A Resolution urging the passage and approval of appropriate legislation by the next session of Congress providing for a sufficient protective tariff for the promotion and betterment of the domestic manganese industry and regulating the importation of foreign manganese.	51, 73, 105, 116, 117, 118, 125, 143, 145, 154, 155.

SENATE JOURNAL
OF THE
EXTRAORDINARY SESSION
OF THE
TWENTY-THIRD LEGISLATIVE ASSEMBLY
OF THE
STATE OF MONTANA

FIRST DAY
SENATE CHAMBER

Helena, Montana, November 27, 1933.

The Senate of the State of Montana was called to order at 10:00 A. M. by Senator Robert Pauline, President Pro Tem of the Senate of the State of Montana, and President of the Senate.

Prayer by Chaplain Robert C. Edgington.

At the direction of the President the Temporary Secretary called the roll of the Senate and the following Senators responded thereto:

Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis.

Excused: Murphy.

The President announced that it would be in order to elect a Secretary of the Senate.

Senator Cooper placed in nomination the name of Claude J. McAllister for Secretary of the Senate.

Senator Church placed in nomination the name of Dan Hagerty for Secretary of the Senate.

Thereupon roll was called upon the foregoing nominations as follows:

For McAllister: Angvick, Campbell, Carey, Carroll, Clarke, Coburn, Cooper, Corwin, Eaton, Ekegren, Galt, Harris, Himsl, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Lamp, Larson, MacGilvra, Parkin, Pauline, Reed, Rowland, Ruffcorn, Simmons, Staggs, Thien, Wheeler. Total 34.

For Hagerty: Armstrong, Burr, Church, Clifford, Danielsen, Delaney, Donovan, Garber, Hennessy, Holt, Kilduff, Melton, Page, Plank, Plumer, Putnam, Sparling, Walker, Wass, Willis. Total 20.

Absent and not voting: Duncan, Murphy. Total 2.

The President administered the oath of office to Claude J. McAllister, duly elected Secretary of the Senate.

The proclamation convening the Legislature in Extraordinary Session was received from the Governor and was read by the Secretary as follows:

By the Governor of the State of Montana,

A Proclamation:

Whereas, Section 11 of Article VII of the Constitution of the State of Montana provides that the Governor may on extraordinary occasions convene the Legislative Assembly; and

Whereas, The nation-wide economic depression has created a serious emergency in this state, due to widespread unemployment and consequent indigence and dependence of a large portion of the people of the state; and

Whereas, Great distress exists within the State of Montana, and many citizens are in want for the necessities of life, and many are without employment, without means of support and unable to care for themselves and their families; and

Whereas, The Congress of the United States has enacted certain legislation which authorizes the giving of assistance to citizens of the State of Montana in case the state shall provide in part for such relief, and has enacted a law commonly known as the "National Industrial Recovery Act," which permits the advance of Federal Funds for the construction of public works in the several states; and

Whereas, It is necessary that the Legislative Assembly of this state enact legislation whereby the state and its subdivisions and the citizens thereof may avail themselves of the benefits of such legislation; and

Whereas, Other emergencies and requirements have arisen since the adjournment of the regular session of the Twenty-third Legislative Assembly; and

Whereas, In the opinion of the Governor it is imperative that legislation be enacted immediately to relieve the needy and destitute citizens of this state from want and deprivation by the provision of direct relief or work relief, or both; to cooperate with the Federal Government in its program of national recovery, and to prevent disaster in this critical emergency; and by reason thereof an extraordinary occasion has arisen and now exists as contemplated in the Constitution of this State for the calling of a Special Session of the Legislative Assembly and requiring the consideration by that body of each of the matters hereinafter specified;

NOW THEREFORE, I, F. H. Cooney, Governor of the State of Montana, under and by virtue of the power and authority in me vested by the Constitution, do hereby convene the Twenty-third Legislative Assembly in Extraordinary Session at Helena, the Capital, at the hour of 10 o'clock A. M. on MONDAY, THE TWENTY-SEVENTH DAY OF NOVEMBER, A. D. 1933, for the purpose of considering the legislation herein referred to and taking such action thereon as it may deem wise or expedient.

The purposes for which the Legislative Assembly is convened are as follows:

First. To clarify and broaden the powers and duties of the Montana Relief Commission; to enact legislation and taxation measures necessary to provide funds for the support and relief of the needy and for their employment; for the financing of direct relief or work relief, or both to broaden the scope of existing legislation relative to the administration of such relief by the state or political subdivisions thereof; and for the distribution of such funds.

Second. To authorize and empower the state, counties, cities, towns, school districts, special improvement districts, or any governmental or political subdivisions or agencies of the state to obtain grants, loans or advances from the United States upon such terms as the President shall

prescribe for the construction, repair or improvement of any public works project authorized by the National Industrial Recovery Act, or any similar legislation subsequently enacted by the United States, and to secure the benefits of such Acts; to construct, finance or aid in the construction or financing of such public works projects; to borrow money; to issue bonds; to convey land; to sell any real or personal property in connection with any such projects; or to lease any such property from the United States Government with or without the privilege of purchase; to enter into any contracts, agreements or arrangements to secure the construction of public works; and to provide for the repayment of any loans made.

Third. To legislate relative to the proper conservation and use of water, the construction of public works which may include reservoirs, dams, diversion canals, distributing canals, pumping plants, power lines, lateral ditches and other means of conservation and distribution of the waters of this state, and to create the necessary agencies to investigate, direct, control or assist such projects.

Fourth. To modify the exemption laws of this state.

Fifth. To amend and correct the law in relation to license fees for motor vehicles.

Sixth. To enact a law limiting the hours of labor.

Seventh. To provide for an appropriation in order to establish the State Liquor Stores authorized by Chapter 105 of the Laws of the Twenty-third Legislative Assembly of the State of Montana, commonly known as the "State Liquor Control Act."

Eighth. To permit counties, cities, towns, school districts and other municipal corporations or subdivisions of the state to fund or refund indebtedness.

Ninth. To amend the law in relation to the time for redeeming real estate from tax liens.

Tenth. To provide for expenses of the Extraordinary Session hereby called and to make the appropriations necessary to carry out the legislation enacted.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the state to be affixed. DONE at the City of Helena, the Capitol, this the tenth day of November, in the year of our Lord one thousand nine hundred thirty-three.

(SEAL)

By the Governor:

F. H. COONEY,

SAM W. MITCHELL,
Secretary of State.

The Senate received a committee from the House which announced that the House had been duly assembled in Extraordinary Session and was ready for business.

Moved by Senator Cooper, duly seconded and carried, that the organization of the Twenty-third Legislative Assembly, including only the Sergeant-at-Arms and the Chaplain, be adopted and that the Committee on Employment be authorized to arrange for any further help necessary to conduct the business of the Senate of the Extraordinary Session of the Twenty-third Legislative Assembly.

Moved by Senator Kane, duly seconded and carried, that the Rules of the Twenty-third Legislative Assembly be adopted as the rules of the Extraordinary Session of the Twenty-third Legislative Assembly.

Moved by Senator Kane, duly seconded and carried, that the Joint Rules of the Twenty-third Legislative Assembly be adopted as the Joint Rules of the Extraordinary Session of the Twenty-third Legislative Assembly by and with the concurrence of the House of Representatives.

Moved by Senator Kane, duly seconded and carried, that the President appoint two committees to consist of three members each; one, to notify the Governor; and the other, to notify the House of Representatives that the Senate is duly organized and ready for business.

The President thereupon appointed the following committees:

To Notify the Governor: Senators Larson, Walker, Thien.

To Notify the House: Senators Husband, Sparling, Kalberg.

Senator Larson, chairman of the committee appointed to notify the Governor of the organization of the Senate, reported that the committee had performed its duty and stated that the Governor desired to deliver his message to the Joint Assembly of the Senate and the House at 12:00 o'clock noon, November 27th.

Senator Husband, chairman of the committee appointed to notify the House of Representatives of the organization of the Senate, reported that the committee had performed its duty.

Moved by Senator Kane, duly seconded and carried, that a committee of three members be appointed by the President to draft resolutions on the death of a citizen of the State of Montana, the Honorable J. Frank Cone, former Representative, State Senator, and Secretary of the Senate.

The President thereupon appointed the following as members of the committee to draft fitting resolutions on the death of the Honorable J. Frank Cone: Senators Cooper, Walker, Corwin.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 10:51 A. M., until 11:50 A. M.

Pursuant to recess, the Senate reconvened at 11:50 A. M.

President presiding.

The Senate received a committee from the House which invited the Senate to the House to listen to the Governor's message in Joint Assembly.

Upon motion of Senator Kane, duly seconded and carried, the Senate proceeded to the House of Representatives at 12:05 P. M., to listen to the Governor's message in Joint Assembly.

The Senate and House met in Joint Assembly. The Joint Assembly having been dissolved, the Senate returned to its own chamber at 12:40 P. M.

PETITIONS AND COMMUNICATIONS

A petition from stockgrowers of Carter county was received and read.

Upon motion of Senator Kane, duly seconded and carried, the petition from stockgrowers of Carter county was referred to the Committee on Public Lands.

REPORTS OF STANDING COMMITTEES

The Committee on Employment submitted the following report:

Mr. President: We, the Employment Committee of the Senate of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, recommend the following named persons for the respective positions:

T. J. Bushell	Assistant Sergeant-at-Arms
M. B. Reynolds	Assistant Sergeant-at-Arms
Marguerite Moore	Bill Clerk
Ben Lamb	Journal Clerk
Edna Hinman	Secretary to Secretary of Senate
Elizabeth Knopf	Secretary to Sergeant-at-Arms
Clara Reece	Elevator
Margaret Eyre	Elevator
Fred Valiton	Doorkeeper
Ed Wolverton	Doorkeeper
Norman Bruce	Doorkeeper
D. Bingaman	Doorkeeper
Marion Hefferen	Janitor
Charles Miles	Page
Earl Cooley	Page
Jack Parr	Page
Gerald Crowley	Page

THIEN,
RUFFCORN,
HOLTON.

Report adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 12:44 P. M., until 11:00 A. M., Tuesday, November 28, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

SECOND DAY

Helena, Montana, November 28, 1933.

Senate convened at 11:00 A. M.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present except: Galt, Larson, absent.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the First Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

November 27, 1933.

The President of the Senate,
Senate Chamber,
Helena.

It is communicating no startling information to this honorable body when I say to you that the thirtieth day of the present month will bring a crisis in the life of many a taxpayer in the State of Montana unless this session can enact some measure of relief before that day has passed. The last day of November is the deadline for the payment of the installment of taxes due for the year 1933.

In many sections of the state there are numerous taxpayers who will receive moneys from the Federal Government under the allotment plan, but unfortunately these payments are not expected before January next. To state the fact simply, with these funds the taxpayers will be enabled to pay the first installment while without them they cannot. If they do not, under the existing statutes the penalty for non-payment becomes operative.

It is suggested that this body may enact a law that will extend the time for this payment until the first of February, 1934, without penalty, and it appeals to me as a measure that should be passed for the benefit of a large proportion of our people. Feeling thus, I am constrained to submit the question to you for appropriate and immediate action.

F. H. COONEY, Governor.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

November 27, 1933.

Mr. President: I am directed by the House to inform your Honorable Body that notice of introduction has this day been given by Beadle, being a bill for an Act entitled: "An Act for the submission to the qualified electors of the State of Montana of an amendment to Section Four (4) of Article Eighteen (18) of the Constitution of the State of Montana, relating to the hours of labor in all industries, occupation, undertakings and employments."

JOHN J. JEWELL,
Chief Clerk.

Mr. President: I am directed by the House to inform your Honorable Body that the following bills were this day introduced without previous notice and referred to committees:

House Bill No. 1, introduced by Besancon: A bill for an Act entitled: "An Act to amend Section 1 of Chapter 103 of the Montana Session Laws of 1933, and to repeal Section 3 of Chapter 158 Session Laws of 1931, relating to registration and registration fees of motor vehicles and dealers thereof and distribution of the revenues received therefrom." Referred to Committee on Highways.

House Bill No. 2, introduced by Appropriations Committee: A bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-third Legislative Assembly; per diem to the officers and attaches and for incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana." Referred to Appropriations Committee.

House Bill No. 3, introduced by Nutting, Snidow, Fowler, Logan, Abrahamson, Kuhl, O'Shea, Manning, Annin, Pierson: A bill for an Act entitled: "An Act to authorize the erection of buildings for the Eastern Montana State Normal School, to authorize the borrowing of money to pay for the construction of said buildings, to create a fund out of which the principal of and the interest upon the money so borrowed may be paid and to provide that the money so borrowed, shall not be and never shall become a charge against the State of Montana or a liability, debt or obligation of the State of Montana."

JOHN J. JEWELL,
Chief Clerk.

November 27, 1933.

Mr. President: I am directed by the House to inform your Honorable Body that the Committee on Appropriations reported House Bill No. 2 do pass. Upon motion House Bill No. 2 was considered correctly printed and

referred to General Orders and upon motion considered correctly engrossed and referred to the calendar for Third Reading. Was read three several times and passed. Title and history agreed to and is herewith transmitted to the Senate for its concurrence.

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bills were introduced, read first and second times, and referred:

S. B. No. 1, introduced by Committee on Counties and Towns: A bill for an Act entitled: "An Act relating to and to permit counties, cities, towns, school districts and other municipal corporations or subdivisions of the state to fund or refund indebtedness and to provide methods therefor." Referred to Committee on Counties and Towns.

H. B. No. 2, introduced by Appropriations Committee: A bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Extrarodinary Session of the Twenty-third Legislative Assembly; per diem to the officers and attaches and for incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana." Referred to Committee on Finance and Claims.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:18 A. M., until 2:00 P. M.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:00 P. M.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Finance and Claims submitted the following report:

Mr. President: We, your Committee on Finance and Claims, having had under consideration House Bill No. 2, introduced by Appropriations Committee, respectfully report as follows: That House Bill No. 2 be concurred in.

STAGGS, Vice-Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

November 28, 1933.

Mr. President: I am directed by the House to inform your Honorable Body that House Bill No. 4, introduced by Revenue and Taxation Committee, entitled: A bill for an Act entitled: "An Act to amend Section 1 (a) of Section 4, Chapter 158, Session Laws of Montana, 1933, postponing the time when the penalty shall be required for failure to pay the first half of 1933 taxes," was this date introduced, read first and second times, and referred to Committee on Taxation. The Committee on Revenue and Taxation recommended that the bill do pass, and report was adopted. On motion the bill was considered as correctly printed and placed on General Orders. The Committee of the Whole recommended the bill favorably and the report was adopted. On motion the bill was considered as correctly

engrossed, and placed on the calendar for Third Reading. The bill was read three several times and passed, title and history agreed to and is herewith transmitted to the Honorable Senate for its concurrence.

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bill was introduced, read first and second times, and referred:

H. B. No. 4, introduced by Committee on Revenue and Taxation: A bill for an Act entitled: "An Act to amend Section 1 (a) of Section 4, Chapter 158, Session Laws of Montana, 1933, postponing the time when the penalty shall be required for failure to pay the first half of 1933 taxes." Referred to Committee on Taxation.

NOTICES

The following notices of introduction of bills were received and read:

Mr. President: We hereby give notice that we will on tomorrow or some subsequent day, introduce a bill entitled: "An Act to amend Section 4 of Chapter 160 of the Montana Session Laws of 1931, relating to the issuing of bonds by incorporated cities and towns, providing that such bonds shall not be issued for a longer term than thirty (30) years, and providing the procedure and the duties of city and town officers in connection therewith, and adding thereto a new section to be designated Section 4-A authorizing cities and towns that have prior to the time this Act takes effect initiated but have not completed bonding proceedings, or that have authorized the issuance of bonds to run through a period of time not greater than twenty years but which have not yet been issued and sold, to issue bonds to run through a period of time not greater than thirty years and validating any bonds so issued for the longer period of time."

LAMP,
HUSBAND,
ROWLAND,
SIMMONS,
PARKIN,
ANGVICK,
KELSEY,
CORWIN,
COBURN.

Mr. President: I hereby give notice that I will on tomorrow or some subsequent day, introduce a bill entitled: "When writ of attachment not to be issued and levied."

SIMMONS.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Cooper in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 2 be concurred in.

COOPER, Chairman.

Upon motion of Senator Cooper, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Moved by Senator Kane, duly seconded and unanimously carried, that the rules be suspended and that House Bill No. 2 be placed on Third Reading.

THIRD READING OF BILLS

H. B. No. 2, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Duncan, Eaton, Ekegren, Garber, Harris, Hennessy, Himsel, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, MacGilvra, Melton, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 52.

Noes: None.

Absent and not voting: Donovan, Galt, Larson, Murphy. Total 4.

With unanimous consent, the Senate reverted to:

MOTIONS AND RESOLUTIONS

The following resolution was submitted:

WHEREAS, the main purpose of this Extraordinary Session is to consider relief measures, and

WHEREAS, there are many questions coming up relative to the administration of relief and there appears to be no standing committee of Senate or House whose specific duty is to consider such matters;

THEREFORE, BE IT RESOLVED, that a special committee of five be appointed from the Senate to confer with a like committee from the House for the purpose of considering matters coming before the Legislature pertaining to federal, state and local relief.

EATON.

Upon motion of Senator Eaton, duly seconded and carried, the foregoing resolution was adopted.

Moved by Senator Duncan, duly seconded and carried, that a committee of three members be appointed by the President to draft resolutions on the death of the Honorable Jacob Albright, a former member of the Senate from Madison county.

The President thereupon appointed the following as members of the committee to draft fitting resolutions on the death of the Honorable Jacob Albright, a former member of the Senate from Madison county: Senators Duncan, Walker, Kane.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 2:32 P. M., subject to the call of the Chair.

Pursuant to recess, the Senate reconvened at 3:02 P. M.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Taxation submitted the following report:

Mr. President: We, your Committee on Taxation, having had under consideration House Bill No. 4, recommend that the same be concurred in.

RUFFCORN, Chairman.

Report adopted.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Cooper in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 4 be concurred in.

COOPER, Chairman.

Upon motion of Senator Cooper, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Moved by Senator Kane, duly seconded and unanimously carried, that the rules be suspended and that House Bill No. 4 be placed on Third Reading.

THIRD READING OF BILLS

H. B. No. 4, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Campbell, Carey, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Garber, Harris, Hennessy, Himsl, Holt, Holton, Hubsand, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 52.

Noes: Burr, Carroll. Total 2.

Absent and not voting: Galt, Larson. Total 2.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

November 28, 1933.

The President of the Senate,
Senate Chamber,
Helena, Montana.

As the members of this Honorable Body no doubt know, the plans of the Federal Government with respect to the expansion of irrigation projects in Montana will necessitate much greater activity in the office

of our State Engineer. In order that we may fully avail ourselves of the terms of the Act under which these projects are to be initiated and completed, we must make provision for the preparatory work necessary to be done at home, and a great deal of these details will naturally fall to the lot of the State Engineer's Department.

I therefore recommend that at this Extraordinary Session you enact an appropriation measure carrying sufficient moneys for the prosecution of this department's work for the period ending June 30, 1934.

F. H. COONEY,
Governor.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 3:22 P. M., until 11:00 A. M., Wednesday, November 29, 1933.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

THIRD DAY

Helena, Montana, November 29, 1933.

Senate convened at 11:00 A. M.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Second Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

November 28, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day introduced, read first and second times and referred to committees:

House Bill No. 4, introduced by Revenue and Taxation Committee: A bill for an Act entitled: "An Act to amend Section 1 (a) of Section 4, Chapter 158, Session Laws of Montana, 1923, postponing the time when the penalty shall be required for failure to pay the first half of 1933 taxes." Referred to Committee on Revenue and Taxation.

House Bill No. 5, introduced by Revenue and Taxation Committee: A bill for an Act entitled: "An Act to amend Section 2 of Chapter 65 of the Eighteenth Legislative Assembly of 1923, and Section 3 of Chapter 65 of the Eighteenth Legislative Assembly of 1923, as amended by Chapter 141 of the Twentieth Legislative Assembly of 1927, relating to tax on direct and collateral inheritances, bequests and devises, and to provide for its assessment and collection." Referred to Committee on Revenue and Taxation.

House Bill No. 6, introduced by Groene: An Act to permit the amortization of delinquent taxes on real estate; providing the terms and conditions thereof, and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Revenue and Taxation.

House Bill No. 7, introduced by Beadle: A bill for an Act entitled: "An Act for the submission to the qualified electors of the State of Montana, of an amendment to Section Four (4) of Article Eighteen (18) of the Constitution of the State of Montana, relating to the hours of labor in all industries, occupations, undertakings and employments." Referred to Committee on Constitutional Amendments.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

November 28, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following notice of introduction of bill was this day received:

By Groene of Fergus: A bill for an Act entitled: "An Act permitting the operation of certain games of chance, stipulating under what regulations the operation thereof may be legal, providing for a license fee therefor, its collection and disposition and repealing all Acts and parts of Acts in conflict therewith."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

November 28, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that House Joint Resolution No. 1, introduced by Beadle, was this day upon motion adopted, and is herewith transmitted to the Senate for its concurrence.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following joint resolution was introduced, read first and second times, and referred:

H. J. R. No. 1, introduced by Beadle: A resolution concerning the passage and approval of a bill when introduced by the Honorable Burton K. Wheeler, United States Senator from Montana, in the next session of Congress; fixing the free and unlimited coinage of silver on a basis of sixteen ounces of silver to one ounce of gold. Referred to the Committee on Mines and Mining.

NOTICES

The following notice of introduction of bill was received and read:

Mr. President: I hereby give notice that I will on tomorrow or some subsequent day, introduce a bill entitled: "An Act providing that in certain actions no writ of attachment shall be issued and levied upon or

against certain wages and earnings of the debtor or defendant for his personal services rendered within a certain time, and providing that such wages and earnings are exempt from attachment.”

This notice is given in lieu of all previous notices.

SIMMONS.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:09 A. M., until 2:00 P. M.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:00 P. M.

President presiding.

The President signed in open session: House Bill No. 2.

The President appointed the following as members of the special committee to confer with a like committee from the House for the purpose of considering matters coming before the Legislative Assembly pertaining to federal, state and local relief: Senators Kemmis, Rowland, Cooper, Donovan, Sparling.

REPORTS OF STANDING COMMITTEES

The Committee on Employment submitted the following report:

Mr. President: We, your Committee on Employment, recommend the following persons for the work as stated in the Senate organization:

Margaret Woods	Stenographer
Alice Brusletten	Stenographer
Josephine Daley	Stenographer
Barbara Bell	Stenographer
Zura Gardicia	Stenographer
Ethel M. Chandler	Stenographer
Margaret Fleming	Typist
Lou E. Bretzke	Enrolling Clerk
Bira Elder	Assistant Enrolling Clerk
C. H. Mahoney	Printing Clerk
T. Thompson	Watchman
Mrs. Lawrence Moon	Proofreader
Peter Rorvik	Doorkeeper
Emma Ingalls	Secretary to President
Louise Zimmerman	Assistant Postmistress
Paul Smith	Janitor
Hiram Stanley	Janitor
Ellis Smith	Clerk
Mary Alice Duffy	Stenographer

THIEN,
RUFFCORN,
HOLTON.

Report adopted.

The Committee on Mileage and Per Diem submitted the following report:

Mr. President: We, your Committee on Mileage and Per Diem, respectfully report as follows: That we have audited the mileage of all members of this body and attach hereto and herewith submit mileage of each Senator as finally determined by your committee:

Name and Town	Miles	Amount
Angvick, Lars, Reserve	1064	\$74.48
Armstrong, Bert B., Livingston	246	17.22
Burr, Geo. A., Winnett	538	37.66

Campbell, John L., Missoula	240	16.80
Carey, Emmett, Glendive	928	64.96
Carroll, L. Ray, Roundup	436	30.52
Church, W. R., Helena		
Clarke, Walter E., Forsyth	680	47.60
Clifford, Frank H., Havre	442	30.94
Coburn, John W., Cut Bank	444	31.08
Cooper, Geo. R., DeBorgia	434	30.38
Corwin, John W., Park City	432	30.24
Danielsen, T. P., Poplar	890	62.30
Delaney, F. W., Terry	850	59.50
Donovan, L. P., Shelby	396	27.72
Duncan, M. M., Virginia City	346	24.22
Eaton, Ernest T., Polytechnic	476	33.32
Ekegren, E. P., Harlem	528	36.96
Galt, E. F., Great Falls	196	13.72
Garber, John D., Plains	396	27.72
Harris, Orville, White Sulphur Springs	260	18.20
Hennessy, W. B., Conrad	332	23.24
Himsl, V. S., Plevna	912	63.84
Holt, Elmer, Miles City	770	53.90
Holton, Albert, Cohagen	904	63.28
Husband, W. C., Harlowton	296	20.72
Jergensen, Jas. A., Whitehall	112	7.84
Kalberg, F. S., Circle	1031	72.17
Kane, Thomas, Great Falls (one way).....	98	6.86
Kaulbach, J., Fort Benton	288	20.16
Keeley, W. E., Deer Lodge	120	8.40
Kelsey, Frank F., Moorhead	862	60.34
Kemmis, W. D., Sidney	1050	73.50
Kilduff, J. F., Malta	618	43.26
Lamp, F. M., Big Timber	314	21.98
Larson, T. O., Choteau	306	21.42
MacGivra		
Melton, Geo. M., Dillon, 2 miles.....	248	17.36
Murphy, Thos. F., Anaconda	196	13.72
Page, John R., Philipsburg	194	13.58
Parkin, E. J., Bozeman	196	13.72
Pauline, Robert, Kalispell	720	50.40
Plank, Leonard, Chester	482	33.74
Plumer, A. J., Hysham, 16 miles.....	656	45.92
Putnam, J. A., Hardin	585	40.95
Reed, Grant, Townsend	66	4.62
Rowland, M. D., Libby	932	65.24
Ruffcorn, Wm., Glasgow	758	53.06
Simmons, H. A., Red Lodge	534	37.38
Sparling, J. T., Flaxville	1156	80.92
Staggs, W. L., Wibaux	1002	70.14
Thien, Henry, Ryegate	356	24.92
Walker, Thos. J., Butte	144	10.08
Wass, L. M. A., Roy	518	36.26
Wheeler, Leon L., Ekalaka	1062	74.34
Willis, S. A., Great Falls	196	13.72

GALT, Chairman.
ROWLAND.

Report adopted.

INTRODUCTION OF BILLS

The following bill was introduced, read first and second times, and referred:

S. B. No. 2, introduced by Lamp, Husband, Rowland, Simmons, Parkin, Angvick, Kelsey, Corwin, Coburn: A bill for an Act entitled: "An Act to amend Section 4 of Chapter 160 of the Montana Session Laws of 1931,

relating to the issuing of bonds by incorporated cities and towns, providing that such bonds shall not be issued for a longer term than thirty (30) years, and providing the procedure and the duties of city and town officers in connection therewith, and adding thereto a new section to be designated Section 4-A authorizing cities and towns that have prior to the time this Act takes effect initiated but have not completed bonding proceedings, or that have authorized the issuance of bonds to run through a period of time not greater than twenty years but which have not yet been issued and sold, to issue bonds to run through a period of time not greater than thirty years and validating any bonds so issued for the longer period of time." Referred to Judiciary Committee.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 2:17 P. M., subject to the call of the Chair.

Pursuant to recess, the Senate reconvened at 2:39 P. M.

President presiding.

The President signed in open session: House Bill No. 4.

Moved by Senator Clarke, duly seconded and carried, that the Chair appoint a committee of three members to draft resolutions upon the death of former Senator Charles M. Dowlin.

The Chair appointed the following as members of the committee to draft resolutions upon the death of former Senator Charles M. Dowlin: Senators Clarke, Donovan, Campbell.

Moved by Senator Kane that the Senate adjourn until 11:00 A. M., Thursday, November 30, 1933; motion duly seconded and lost.

Upon motion of Senator Melton, duly seconded and carried, the Senate adjourned at 2:45 P. M., until 1:00 P. M., Friday, December 1, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

FIFTH DAY

Helena, Montana, December 1, 1933.

Senate convened at 1:00 P. M.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present except Carroll, excused.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Third Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

November 29, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that House Joint Resolution No. 2, introduced by Ralston, was this day read and on motion adopted by the House and is herewith transmitted to you for your concurrence.

Respectfully,

JOHN J. JEWELL,

Chief Clerk.

November 29, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that House Bill No. 2, being correctly enrolled, was signed by the Speaker in the presence of the House.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

November 29, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee on Revenue and Taxation reported that House Bill No. 5 do pass as amended.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

November 29, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day made and upon motion adopted:

Judiciary Committee—That H. B. No. 3 do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

November 29, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day introduced, read first and second times and referred to committees:

House Bill No. 8, by Woodcock, Lewis and Shannon: A bill for an Act entitled: "An Act legalizing and validating all elections heretofore held in any city or town of this state, authorizing the creation or increase of the indebtedness of such city or town within or exceeding three per centum of the total assessed valuation of the taxable property of said city or town, as ascertained by the last assessment for state and county purposes, for any of the purposes set forth in Subdivision 64, Section 5039, Revised Codes of Montana, 1921, as amended, and Section 1, Chapter 160, Session Laws of Montana, 1931, which elections were held after notice published and posted, as provided in Section 5279, or Section 8, Chapter 160, of the Session Laws of Montana of 1931, at which the proposal to create or increase said indebtedness received a majority of all votes tendered and of all votes cast at such election." Referred to Judiciary Committee.

House Bill No. 9, introduced by Marshall: A bill for an Act entitled: "An Act to permit the erection and operation of students' union buildings at the State Educational Institutions of the State of Montana, and to authorize the financing thereof in conformity with the National Industrial Recovery Act." Referred to Committee on Judiciary.

House Bill No. 10, introduced by O'Connell: A bill for an Act entitled: "An Act to amend Section 7675 of the Revised Codes of Montana, 1921, relating to the lien and right of possession of hotel, boarding house and lodging house keepers, and excepting from such lien and right of possession certain property." Referred to Committee on Judiciary.

House Bill No. 11, introduced by O'Connell: A bill for an Act entitled: "An Act providing for the exemption from attachment, garnishment and/or execution of the earnings of a judgment debtor repealing

Section 9420 of the Revised Codes of Montana, 1921, as amended by Chapter 3 of the Session Laws of the Twenty-third Legislative Assembly in regular session, and all Acts and parts of Acts in conflict herewith." Referred to Committee on Judiciary.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

November 29, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following notice of introduction of bills was this day received:

By Mulholland: A bill for an Act entitled: "An Act prescribing the hours of labor for persons employed in retail stores; persons employed in delivering goods sold in such stores; persons employed in wholesale warehouses used for supplying retail establishments with goods, and persons employed in delivering goods to retail establishments from such wholesale warehouses, and providing penalties for a violation thereof."

By Pilgeram and Rearden (Cascade): A bill for an Act entitled: "An Act to fix the legal interest rate for the State of Montana."

By Watson (Missoula) and Marshall: A bill for an Act entitled: "An Act to amend or repeal certain Sections of Chapter 25 of the Session Laws of the State of Montana of 1927; relating to the calling of elections for the purpose of issuing bonds and authorizing the Board of Trustees to call such elections without a petition; to fixing the amount and kind of bonds; to notice of the elections."

By Watson (Missoula) and Marshall: A bill for an Act entitled: "An Act to amend Section 571 of the Revised Codes of the State of Montana of 1921 relating to compensating of County Clerks for furnishing poll books."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

November 29, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Speaker this day appointed the following members to act as a committee from the House together with a committee from the Senate, for the purpose of considering matters coming before the Legislature pertaining to federal, state and local relief, in accordance with the resolution by Beadle, of November 28, 1933: McCarvel, Hagerty, Shannon, Fowler and Sparling.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bills were introduced, read first and second times, and referred:

S. B. No. 3, by Simmons: A bill for an Act entitled: "An Act providing that in certain actions no writ of attachment shall be issued and levied upon or against certain wages and earnings of the debtor or defendant for his personal services rendered within a certain time, and providing that such wages and earnings are exempt from attachment." Referred to Committee on Judiciary.

H. J. R. No. 2, introduced by Ralston: A resolution inviting the Honorable Franklin D. Roosevelt, President of the United States of America, to visit Glacier National Park and elsewhere in Montana. Referred to Committee on Federal Relations.

MOTIONS AND RESOLUTIONS

Moved by Senator Parkin, duly seconded and carried, that the President appoint a committee of three members to draft resolutions on the death of the Honorable W. E. Harmon, former member of the Senate and Secretary of State.

The President thereupon appointed the following as members of the committee to draft resolutions on the death of the Honorable W. E. Harmon: Senators Parkin, Wheeler, Wass.

Senator Duncan, chairman of the committee appointed to draft resolutions on the death of the Honorable Jacob Albright, submitted the following resolution:

Jacob Albright, or Jake, as he was endearingly known to his host of friends in Western Montana, was born at New Salem, New York, July 17, 1860, and as a young man answered the call of the West and located in Alder Gulch, Madison County, Montana, early in 1884.

Shortly after his arrival in Virginia City he was employed by that rugged pioneer, R. O. Hickman, then engaged in the general merchandise business, and in due course, because of his devotion to duty and absolute fidelity, soon became a most trusted employee, and in 1895 became the actual successor to Mr. Hickman, who later entered public life as State Treasurer of the State of Montana.

Mr. Albright married Miss Frances E. Gilbert, the daughter of Henry Gilbert, one of Montana's sterling pioneers, in 1889, a union which was most happy and which brought to Jake Albright a helpmate who shared with him generously the vicissitudes of early life in Montana and materially assisted him in his successful career.

Mr. Albright served as a member of the Montana State Senate from 1902 until 1910, displaying ever and always a keen grasp of state government and a most sagacious mind in molding needful legislation. He likewise served his county as County Treasurer for a period of eight years. He was a staunch Republican but yielded his opinion to no party when matters of vital interest to state were concerned.

He was a member of Montana Lodge No. 2, A. F. & A. M., and a member of Virginia City Commandery No. 1, Knights Templar.

Whenever Mr. Albright tired of business cares and worries he loved to whip the streams of the Madison for the illusive trout and was then and always a most happy companion.

Mr. Albright was a devoted husband, a generous and kind father, and left to mourn his sad taking from this life on November 7, 1933, his beloved wife, three daughters, Mrs. W. H. Thomas of Virginia City, Mrs. R. C. Feris of Choteau, and Mrs. W. E. Erickson of Wise River, and two sons, Henry G. and Clifford of Virginia City.

Now, therefore, we, the members of the Montana Senate, extend to the bereaved family our deep and sincere sympathy, coupled with the hope and prayer that their grief will be somewhat assuaged by the memory of his love and affection and the knowledge that he has gone to the Great Master for his final rest.

M. M. DUNCAN,
TOM KANE,
T. J. WALKER.

Moved by Senator Duncan, duly seconded and unanimously carried by a standing vote, that the foregoing resolution be adopted.

The following resolution was submitted by Senator Eaton:

"WHEREAS, there is seemingly a lack of definite information before the assembly regarding relief matters, and

"WHEREAS, it is necessary before legislation or relief is passed, that the members have an intelligent understanding of the approximate amount which has been used to meet Emergency Relief in state and counties, and the amount which may be necessary in the immediate future, and

"WHEREAS, the Governor's call for this Extraordinary Session asks for a broadening of the scope of existing legislation, relative to administration of such relief by the state and political subdivisions.

"THEREFORE, BE IT RESOLVED that the Senate respectfully request the Special Joint Committee on Relief to have compiled the following facts and estimates, and that copies of the compilation be placed on the desks of the members not later than the ninth legislative day:

"1. Amount of money listed by counties expended monthly for relief since Federal Emergency Relief was instituted.

"2. Cost of state and Federal Administration of relief and how money has been expended.

"3. The number of persons on relief in each county, and the number of unemployed on the lists in each county during the period which has elapsed.

"4. The estimated amount of money necessary to meet relief in each county from December 1, 1933, to June 1, 1934.

"5. Amount of Federal, state and county money available by counties for relief during the coming six month period.

"6. Estimated amount of public works and civil works employment to be available in the state and counties during the coming six months period.

"7. Statement of estimated amount of county funds that will probably be available to match Federal Aid for next six months period.

"8. Any other information regarding Relief Administration which may be of value to the members in their deliberations."

Moved by Senator Eaton, duly seconded and carried, that the foregoing resolution be adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 1:29 P. M., until 3:00 P. M.

Pursuant to recess, the Senate reconvened at 3:00 P. M.

President presiding.

INTRODUCTION OF BILLS

The following joint memorial was introduced, read first and second times, and referred:

S. J. M. No. 1, introduced by Reed: A memorial to the President and to the Congress of the United States, requesting the establishing of an assay office at some appropriate point in the State of Montana. Referred to the Committee on Mines and Mining.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 3:04 P. M., until 10:00 A. M., Saturday, December 2, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

SIXTH DAY

Helena, Montana, December 2, 1933.

Senate convened at 10:00 A. M.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present except Carroll, Keeley, excused. Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Fifth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on Mines and Mining submitted the following report:

Mr. President: We, your Committee on Mines and Mining, having had under consideration Senate Joint Memorial No. 1, introduced by Reed, respectfully report as follows: That Senate Joint Memorial No. 1 do pass.

REED, Chairman.

Report adopted.

REPORTS OF SELECT COMMITTEES

The committee appointed to prepare resolutions on the death of former Senator W. E. Harmon submitted the following report:

Death closed a long and active career in educational work and public service when the Hon. W. E. Harmon, age 77, passed away at his home in Bozeman, Montana, at 4:30 o'clock P. M., Tuesday, August 15th, 1933.

Wilfred Eugene Harmon was born February 7th, 1856, in Fulton County, Ohio. He received his early education in Michigan and graduated from Valparaiso University in 1884. He came to Montana the summer of 1885 as principal of the Livingston schools, remaining there until 1887, when he came to Bozeman as Superintendent of City Schools, where he remained for 18 years. He then entered public life by being elected and serving two terms as State Superintendent of Public Instruction. Following this he represented Gallatin county in the House of Representatives and later as State Senator in this body.

In 1924 he was elected State Treasurer and at the election in 1928 was chosen Secretary of State, filling that office until January, 1933, when he retired. His failing health made it necessary for him to retire from public life, and in the summer of 1932 he announced he would not again be a candidate.

Mr. Harmon was a member of the Presbyterian Church. He was also a member of Bozeman Lodge No. 18, A. F. & A. M., of the Helena Consistory of Scottish Rite Masons and of Algeria Temple, Nobles of the Mystic Shrine. He was a member of the Brotherhood of American Yeomen and of the Woodmen of the World.

Aside from his many friends over this great state, there are left to mourn his death, his wife, Mrs. Mary Harmon, one daughter, Mrs. James Cushman of Portland, Oregon, and one granddaughter, Miss Helen Louise Bolton, of Lewistown, Montana.

Mr. Harmon was held in high esteem by his many friends and was regarded as a man of strong character and high ideals. Few men in this state had as wide an acquaintance and his passing brought a shock of grief throughout the state.

Now, therefore, we, the members of the Montana State Senate, extend to the bereaved family our deep and sincere sympathy, trusting that their grief will be somewhat relieved by the memory of his love and affection to his family and by the high esteem in which he was held by his many friends in this state.

PARKIN,
WHEELER,
WASS.

Moved by Senator Parkin, duly seconded and unanimously carried by a standing vote, that the foregoing resolution be adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 1, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day made and upon motion adopted:

Highways Committee—That House Bill No. 1 do pass, as amended.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 1, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day made and upon motion adopted:

Printing Committee—That House Bills Nos. 3 and 5 were reported correctly printed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 1, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day introduced, read first and second times, and referred to committee:

By Replogle: H. B. No. 12: A bill for an Act entitled: "An Act levying a license tax on electricity and electrical energy, generated, manufactured or produced in the State of Montana, for barter, sale or exchange and providing for the collection of such taxes and prescribing penalties for the violation of this Act." Referred to Committee on Revenue and Taxation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 1, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day introduced, read first and second times, and referred to committees:

House Bill No. 13, by Groene of Fergus: An Act regulating the operation of certain games of chance; providing when the operation thereof shall be illegal, providing for the license fee therefor and the disposition thereof, and repealing all Acts and parts of Acts in conflict therewith. Referred to Committee on Public Charities, Morals and Reforms.

House Bill No. 14, by Marshall and Watson of Missoula: A bill for an Act entitled: "An Act to amend Section 571 of the Revised Codes of the State of Montana of 1921 relating to compensating of County Clerks for furnishing poll books." Referred to Committee on Townships and Counties.

House Bill No. 15, by Marshall and Watson of Missoula: A bill for an Act entitled: "An Act to amend or repeal certain sections of Chapter 25 of the Session Laws of the State of Montana of 1927; relating to the calling of elections for the purpose of issuing bonds and authorizing the Board of Trustees to call such elections without a petition; to fixing the amount and kind of bonds; to notice of election." Referred to Judiciary Committee.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 10:15 A. M., until 1:30 P. M.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 1:30 P. M.
President presiding.

REPORTS OF STANDING COMMITTEES

The Committee on Employment submitted the following report:

Mr. President: We, your Committee on Employment, beg to include the following persons in the Senate organization:

Miss Flora Best	Stenographer
Mrs. D. D. Raymond	Clerk
William Pippy	Clerk
Jerry Ryan	Janitor
Geo. H. Gelsing	Janitor

THIEN, Chairman.

Report adopted.

The Committee on Counties and Towns submitted the following report:

Mr. President: We, your Committee on Counties and Towns, to whom was referred Senate Bill No. 1, report as follows:

That Senate Bill No. 1 do not pass, but that Senate Substitute for Senate Bill No. 1, introduced by your Committee on Counties and Towns, entitled: "An Act relating to and authorizing any county city, town or school district having an outstanding valid indebtedness in an amount in excess of fifty per centum (50%) of the total indebtedness which it may lawfully incur under the provisions of the Constitution of this state limiting the

amount of indebtedness which may be incurred by counties, cities, towns and school districts, to refund its outstanding bonded indebtedness and providing the method and procedure therefor," do pass.

Report adopted.

THIEN, Chairman.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 1:35 P. M., until 2:00 P. M., Monday, December 4, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

EIGHTH DAY

Helena, Montana, December 4, 1933.

Senate convened at 2:00 P. M.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present except Harris, Kaulbach, absent; Melton, excused.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Sixth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

MESSAGES FROM THE GOVERNOR

The following communications from the Governor were received and read:

December 4, 1933.

The President of the Senate,
Senate Chamber,
Helena.

The Congress of the United States, through the "Banking Act of 1933" and amendments to the "Reconstruction Finance Corporation Act," has created a Federal Deposit Insurance Corporation in which National and State Banks may become members for the purpose of obtaining the insurance of deposits in such banks, and has authorized the Reconstruction Finance Corporation to purchase non-assessable preferred stock from, or loan money to, said State Banks for the purpose of building up the capitol structure of such banks in order to meet the requirements of the Reconstruction Finance Corporation, and has also authorized the Reconstruction Finance Corporation to loan money to closed banks for the purpose of paying depositors and creditors of closed banks.

I, therefore, recommend that this Extraordinary Session enact suitable measures to permit State Banks to issue non-assessable preferred stock and/or to borrow money in order to meet the requirements of the Congress of the United States and the Reconstruction Finance Corporation to this end, and also to authorize closed banks to borrow money for the purpose of paying depositors and creditors.

F. H. COONEY,
Governor.

December 4, 1933.

The President of the Senate,
Senate Chamber,
Helena, Montana.

Within recent months the amount of work necessary to be done in the office of the Governor has increased very materially; to such an extent, in fact, that at times it has been found essential that additional clerical assistance be employed in order that the business of the department might be kept up to date. I first thought that the increased volume of work was largely due to the unusual demands connected with the vast relief work for our people, the embarkation of the commonwealth upon the beer licensing program, and more latterly the launching of the liquor control program, and that the work would in time settle back into normal groove and become less exacting upon the force and upon the slender financial resources of the department.

But so far as present indications may be accepted as a guide, there is to be no letup in this demand upon the office, and I am therefore forced to submit a supplemental recommendation for your consideration. I request that your honorable body pass a bill carrying an appropriation that will adequately provide for the conduct of the Governor's office business during the remainder of the biennium, fixing upon such amount as your Appropriations Committee may consider proper after due inquiry into the situation.

In this connection I desire also to direct your attention to the fact that the state's property referred to as the Governor's mansion is very much in need of certain repairs and replacements. Good business judgment dictates that the property of the state should be kept in good repair, as is the property of the private citizen or corporation.

An investigation of the needs in this regard will, I am confident, convince you that certain repairs should be made without delay, and I therefore place the matter in your hands, recommending that there be an appropriation in such sum as your committee may find justified.

F. H. COONEY,
Governor.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:
December 4, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times, passed, title and history agreed to, and the bill is herewith transmitted to the Senate for its concurrence:

House Bill No. 5.

JOHN J. JEWELL,
Chief Clerk.

December 4, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day made and, upon motion, adopted:

Committee on Engrossing—House Bill No. 5 correctly engrossed.

JOHN J. JEWELL,
Chief Clerk.

December 4, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration Business on General Orders, do report that we recommend:

House Bill No. 3 do pass as amended.

House Bill No. 1 do pass as amended.

Report adopted.

JOHN J. JEWELL,
Chief Clerk.

December 2, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee this day reported as follows:

Committee on State Institutions and Buildings—House Bill No. 18 do pass. Report adopted. House Bill No. 17 do pass. Report adopted.

JOHN J. JEWELL,
Chief Clerk.

December 2, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Judiciary Committee today reported House Bill No. 9 do pass. Report adopted.

JOHN J. JEWELL,
Chief Clerk.

December 2, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Judiciary Committee today reported House Bill No. 8 do pass. Report adopted.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 2, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day introduced, read first and second time and referred to committee: House Bill No. 16 by Mulholland. Referred to Committee on Labor.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 2, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was, without previous notice, this day introduced, read first and second time and referred to committee:

House Bill No. 17, by Committee on State Institutions, Public Buildings and Grounds. Referred to Committee on State Institutions and Buildings.

House Bill No. 18, Committee on State Institutions, Public Buildings and Grounds. Referred to Committee on State Institutions and Buildings.

House Bill No. 19, by Judiciary Committee. Referred to Judiciary Committee.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 2, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that having had under consideration on General Orders, House Bills Nos. 5 and 3, the committee reported that House Bill No. 5 do pass, and that House Bill No. 3 be temporarily passed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 2, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following notice of introductions of bills were this day received:

By Mulholland: A bill for an Act entitled: "An Act prescribing the operating hours of retail stores and wholesale warehouses; defining the terms used therein; classifying grocery, cigar and candy stores, stating the exemption from the provisions of the Act and providing for a violation thereof."

By Ballard: A bill for an Act entitled: "An Act providing for the taxing of all hotel rates above a certain amount, providing for a special tax on straight daily rates, and providing ways and means for the collection and distribution of same."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

With unanimous consent the following Senate Joint Memorial was introduced without previous notice having been given, read first and second times, and referred:

S. J. M. No. 2, introduced without previous notice, by unanimous consent of the Senate, by Ruffcorn, Wass, Holton, Burr, Kilduff, Ekegren, Danielson, Kalberg and Sparling: A Memorial memorializing the Honorable Harold L. Ickes, Secretary of Interior and Administrator of Public Works, to name the body of water impounded by Fort Peck dam, "Lake Wheeler." Referred to Committee on Federal Relations.

The following bills were introduced, read first and second times, and referred:

S. B. No. 4, by Committee on Banks and Banking: A bill for an Act entitled: "An Act to authorize commercial banks, savings banks, trust companies and investment companies to issue non-assessable preferred stock without liability on the holder other than to pay the original subscription price, and to borrow money for capital purposes, and to obtain consent of stockholders and to amend articles of incorporation for such purposes." Referred to Committee on Banks and Banking.

S. B. No. 5, by Committee on Banks and Banking: A bill for an Act entitled: "An Act to authorize liquidating agents of closed state banks to borrow money from the Reconstruction Finance Corporation, or other governmental agency, on behalf of closed commercial banks, savings banks, trust companies and investment companies, and to pledge or mortgage assets or property thereof for the purpose of paying depositors and creditors." Referred to Committee on Banks and Banking.

H. B. No. 5, introduced by Committee on Revenue and Taxation: A bill for an Act entitled: "An Act to amend Section 2, of Chapter 65, of the Eighteenth Legislative Assembly of 1923, and Section 3 of Chapter 65, of the Eighteenth Legislative Assembly of 1923, as amended by Chapter 141, of the Twentieth Legislative Assembly of 1927, relating to tax on direct and collateral inheritances, bequests and devises, and to provide for its assessment, collections and distribution." Referred to Committee on Taxation.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 2:25 P. M., until 11:00 A. M., Tuesday, December 5, 1933.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

NINTH DAY

Helena, Montana, December 5, 1933.

Senate convened at 11:00 A. M.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present except Melton, excused.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Eighth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on Banks and Banking submitted the following reports:

Mr. President: We, your Committee on Banks and Banking, having had under consideration Senate Bill No. 4, by Committee on Banks and Banking, respectfully report as follows: That Senate Bill No. 4 do pass.

HIMSL, Chairman.

Report adopted.

Mr. President: We, your Committee on Banks and Banking, having had under consideration Senate Bill No. 5, by Committee on Banks and Banking, respectfully report as follows: That Senate Bill No. 5 do pass.

HIMSL, Chairman.

Report adopted.

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Joint Memorial No. 1 and Senate Substitute for Senate Bill No. 1, beg leave to report that the same have this date been returned from the printer correctly printed.

GALT, Chairman.

Report adopted.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

December 5, 1933.

The President of the Senate,
Senate Chamber,
Helena.

The Congress of the United States has created the "Home Owners' Loan Corporation" for the purpose of preventing the foreclosure of mortgages on homes and redeeming those homes upon which foreclosure has been made within the past two years and thus saving the homes of the people in our nation who are in distress and unable to pay the delinquent taxes and payments upon loans secured by mortgages upon homes now due and which may become due, and has authorized the corporation to refund such mortgage loans and pay the delinquent taxes thereon, and to make and pay for the necessary repairs on such homes.

The corporation is authorized to issue bonds in lieu of such mortgages and other forms of liens against such homes. These bonds are secured by the real estate constituting all of said homes. The interest on the bonds is guaranteed by the United States Government for a period of eighteen years, at four per centum interest. There can be no question as to the soundness of these bonds for investment purposes as well as for security for any depository bonds or obligations.

I therefore recommend that this Extraordinary Session enact a suitable measure making it lawful for the State of Montana and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivision of the state, or any political or public corporation of the state, or for any insurance company, building and loan association, or for any bank, trust company or other financial institution operating under the laws of this state, or for any executor, administrator, guardian or conservator, trustee or other fiduciary to invest their funds or the moneys in their custody or possession eligible for investment, in the bonds of the "Home Owners' Loan Corporation," and making said bonds eligible as security for any depository bonds or obligations wherein any kind of bonds or other securities are required or may, by law, be deposited as security.

PRISON-MADE GOODS BILL

At the Regular Session of this Assembly you passed a bill prohibiting traffic in prison-made goods in this state, this measure appearing as Chapter 172 of the Session Laws of 1933, the prohibition to become effective on January 14, next.

It is now brought to my attention that the measure in its present form may work a hardship upon those of our citizens who unknowingly purchased prison-made machinery and must rely upon the same class of goods when repairs are necessary. It is argued that much of the farm machinery in use in Montana was prison-made in other states and that there must be an amendment of the new law if the farmers are not to be left without opportunity to order repair parts for these machines.

It is proposed that a measure be enacted at this Extratordinary Session providing that where farm machinery now owned in the state requires repairs the sale and transportation of such repair parts shall not be prohibited by Chapter 172.

The question is submitted for such action as to you may seem proper in the circumstances.

F. H. COONEY, Governor.

INTRODUCTION OF BILLS

With unanimous consent the following Senate Joint Resolution was introduced without previous notice having been given, read first and second times, and referred:

S. J. R. No. 1, introduced by Eaton, Simmons, Kelsey, and Putnam: A joint resolution requesting Honorable Harold L. Ickes, Public Works Administrator, to allot funds for the Broadus-Crow Agency Highway and to direct the construction thereof. Referred to Committee on Roads and Highways.

NOTICES

The following notices of introduction of bills were received and read:

Mr. President: I hereby give notice that I will on tomorrow or some subsequent day, introduce a bill entitled: A bill for an Act entitled: "An Act to cede jurisdiction to the United States over the Fort Peck Dam, the body of water created by such dam, the land under such body of water, and any lands now owned or which may be hereafter acquired by the United States and which shall touch such body of water, all being in the Counties of Valley, Phillips, McCone, Garfield, Petroleum and Fergus, Montana, and reserving certain rights to the State of Montana."

RUFFCORN.

Mr. President: I hereby give notice that I will on tomorrow or some subsequent day, introduce a bill entitled: "An Act authorizing and regulating the sale of state lands to the United States of America in connection with the construction of the Fort Peck Dam and in connection with other projects undertaken by the United States."

RUFFCORN.

Mr. President: I hereby give notice that I will on tomorrow or some subsequent day, introduce a bill entitled: "An Act allowing County Treasurers to issue car license on all cars upon the payment of their 1934 car license."

WASS.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:17 A. M., until 1:30 P. M.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 1:30 P. M.
President presiding.

Senator Kemmis, Chairman of the Special Committee on Relief, reported that the committee would be unable to submit its report this day in accordance with the resolution by Senator Eaton adopted by the Senate on December 1st.

Moved by Senator Kane, duly seconded and carried, that the Special Committee on Relief be allowed three more days in which to prepare and submit its report to the Senate.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:
December 4, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day introduced, read first and second time and referred to committees:

House Bill No. 20, introduced by Mulholland: A bill for an Act entitled: "An Act prescribing the operating hours of retail stores and wholesale warehouses; defining the terms used therein; classifying grocery, cigar and candy stores, stating the exemptions from the provisions of the Act and providing for a violation thereof." Referred to Committee on Labor.

House Bill No. 21, introduced by Ballard, A bill for an Act entitled: "An Act providing for the levying of a state tax on all moneys received by hotel owners or operators for renting of rooms, providing for ways and means of collecting and distributing same." Referred to Committee on Revenue and Taxation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 4, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following notice of introduction of bill was this day received:

By Replogle: A bill for an Act entitled: "An Act requiring every person, firm, co-partnership, association, joint stock company, syndicate, and corporation engaging in or carrying on the business of distributing natural gas within this state or conducting natural gas produced within this state through a pipe line to a point outside the state; to pay to the State Treasurer for engaging in carrying on such business certain license fees for the exclusive use and benefit of the State of Montana; fixing the amount of such license fees; prescribing a method for the assessment and collection thereof; and prescribing penalties for violations of the provisions of this Act."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 4, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following motion by Green of Dawson was this day adopted:

"That a committee of three be appointed by the Speaker of the House to investigate salaries which are being paid from the University Fund to persons residing outside of the state, and that this committee report its findings, with recommendations, not later than December 8th, 1933."

The Speaker thereupon appointed the following members: Haight, Fergus; Ralston, Glacier; Ecton, Gallatin.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 4, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was, upon motion, considered correctly engrossed and placed on third reading; read three several times, passed, title and history agreed to, and the bill is herewith transmitted to the Senate for its concurrence: House Bill No. 3.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bill was introduced, read first and second times, and referred:

H. B. No. 3, introduced by Nutting, Snidow, Fowler, Logan, Abrahamson, Kuhl, O'Shea, Manning, Annin and Pierson: A bill for an Act entitled: "An Act to authorize the erection of buildings for the Eastern Montana State Normal School, to authorize the borrowing of money to pay for the construction of said buildings, to create a fund out of which the principal of and the interest upon the money so borrowed may be paid and to provide that the money so borrowed shall not be and never shall become a charge against the State of Montana or a liability, debt or obligation of the State of Montana." Referred to Judiciary Committee.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Eaton in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That Senate Substitute for Senate Bill No. 1 be amended in Section 4 by striking out in line 6 all of said line commencing with and after the word "The" and all of lines 7, 8, and 9 and inserting in lieu thereof the words: "Any action brought under the provisions of this Act must be commenced within twenty days after the date of said publication."

That Senate Substitute for Senate Bill No. 1 be further amended by striking out the period at the end of the last line of Section 15 and inserting in lieu thereof a semicolon and by adding thereafter the following words: "and provided further that nothing in said other Acts shall operate to limit or restrict the issuance, sale, or exchange of bonds and procedure therefor under this Act in all cases where this Act is by its terms applicable," and, as so amended, recommend that said Senate Substitute for Senate Bill No. 1 do pass.

That S. J. M. No. 1 do pass.

EATON, Chairman.

Upon motion of Senator Eaton, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Moved by Senator Kane, duly seconded and carried, that Senate Joint Memorial No. 1 be considered correctly engrossed and placed on Third Reading of Bills.

THIRD READING OF BILLS

S. J. M. No. 1, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 55.

Noes: None.

Absent and not voting: Melton.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 2:44 P. M., until 10:00 A. M., Wednesday, December 6, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

TENTH DAY

Helena, Montana, December 6, 1933.

Senate convened at 10:00 A. M.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present except Melton, excused.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Ninth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Bills Nos. 4 and 5, beg leave to report that the same have this date been returned from the printer correctly printed.

GALT, Chairman.

Report adopted.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

December 6, 1933.

The President of the Senate,
Senate Chamber,
Helena.

This Assembly at its Regular Session passed a bill which now appears as Chapter 12 of the Session Laws of 1933, defining nepotism and prohibiting the practice thereof in this state.

Representations have been made to me by many people to the effect that this measure is working a hardship upon some of our citizens, particularly the school teachers, who have been deprived of their positions because of the presence of a relative on the Board of Trustees.

Yielding to the importunities of those who would endeavor to secure an amendment of the present law, I have decided to submit the question to this Extraordinary Session for such consideration as it may desire to give the matter. This is done without recommendation on my part.

LEASING OF FAIR GROUNDS

Under existing law Boards of County Commissioners are restricted in the use of county fair grounds, and there is a movement on foot looking to the enactment of a measure whereby these grounds may be made a source of income for the benefit of the county poor fund. I am advised that there is a measure ready for introduction under the terms of which Boards of Commissioners would be authorized to lease their grounds and buildings for entertainment purposes, receiving twenty per cent of the lessee's gross receipts, the county, of course, being indemnified against loss or damage to the property.

This matter is submitted to this Assembly with the recommendation that appropriate action be taken.

F. H. COONEY,
Governor.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 5, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and upon motion adopted:

Committee on Banks and Banking—House Bill No. 22, do pass.

Committee on Federal Relations—House Joint Memorial No. 1 be referred to Livestock and Public Ranges Committee.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 5, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion of Freudenstein, duly seconded and carried, House Bill No. 17 and House Bill No. 18 were re-referred to Committee on State Institutions, Public Buildings and Grounds.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 5, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that House Joint Memorial No. 1 was this day introduced, read first and second time and referred to committee:

H. J. M. No. 1, by Woodcock and Cusker: "A memorial to the Congress of the United States of America requesting immediate relief to the stockmen of Montana." Referred to Committee on Federal Relations.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 5, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day introduced, read first and second times and referred to committee:

House Bill No. 22, introduced by Besancon. A bill for an Act entitled: "An Act making bonds of the 'Home Owners' Loan Corporation' eligible for investment purposes for the State of Montana and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivision of the state, or any political or public corporation of the state, or for any insurance company, building and loan association, or for any bank, trust company, or other financial institution operating under the laws of this state, or for any executor, administrator, guardian or conservator, trustee or other fiduciary; and making such bonds eligible as security for depository bonds and obligations." Referred to Committee on Banks and Banking.

House Bill No. 23, introduced by Parker of Flathead, a bill for an Act entitled: "An Act to amend Section 1 Chapter 172 of the Laws of Montana, 1933, to make an exception as to the sale of prison made goods in the State of Montana to permit the sale of repairs for farm machinery owned in this state." Referred to Committee on Agriculture.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 5, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day introduced, read first and second times and referred to committee:

H. B. No. 24, by Groene (Fergus): A bill for an Act entitled: "An Act reducing the rate of interest from and after March 1, 1934, on delinquent taxes and assessments and repealing all Acts and parts of Acts in conflict therewith." Committee on Judiciary.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 5, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that upon motion by Besancon, duly seconded and carried, H. B. No. 22 was considered correctly printed and placed on General Orders.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 5, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration Business on General Orders, do report that we recommend:

- H. B. No. 22 do pass.
- H. B. No. 1 do pass.
- H. B. No. 8 do pass.
- H. B. No. 9 do pass as amended.

Report adopted.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 5, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee on Public Morals, Charities and Reforms, report that H. B. No. 13 do not pass, but that Substitute H. B. 13, entitled: A bill for an Act entitled: "An Act regulating the operation of certain games of chance; providing when the operation thereof shall be illegal, providing for the license fee therefor and the disposition thereof, and repealing all Acts and parts of Acts in conflict therewith," do pass.

Report adopted.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 5, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following notice of introduction of bill was this day received:

By Harlen (Blaine): A bill for an Act entitled: "An Act to amend Sections 4531, 4532, and 4533 of the Revised Codes of Montana, 1921, as amended by Chapter 91 of the Laws of Montana, 1931, relating to the application of destitute persons seeking relief; the residence of said persons; and providing temporary relief to non-residents."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 6, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion duly made, seconded and carried, the following bills were considered correctly engrossed and placed on Third Reading; read three several times, passed, title and history agreed to, and the bills are herewith transmitted to the Senate for its concurrence: H. B. No. 8, H. B. No. 9, and H. B. No. 22.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bills were introduced, read first and second times, and referred:

S. B. No. 6, by Ruffcorn: A bill for an Act entitled: "An Act authorizing and regulating the sale of state lands to the United States of America in connection with the construction of the Fort Peck Dam and in connection with other projects undertaken by the United States." Referred to Committee on Public Lands.

H. B. No. 8, introduced by Woodcock, Lewis and Shannon: A bill for an Act entitled: "An Act legalizing and validating all elections heretofore held in any city or town of this state, authorizing the creation or increase of the indebtedness of such city or town within or exceeding three per centum of the total assessed valuation of the taxable property of said city or town as ascertained by the last assessment for state and county purposes, for any of the purposes set forth in Subdivision 64, Section 5039, Revised Codes of Montana, 1921, as amended, and Section 1, Chapter 160, Session Laws of Montana, 1931, which elections were held after notice published and posted, as provided in Section 5279, or Section 8, Chapter 160, of the Session Laws of Montana of 1931, at which the proposal to create or increase said indebtedness received a majority of all votes tendered and of all votes cast at such election." Referred to Judiciary Committee.

H. B. No. 9, introduced by Marshall: A bill for an Act entitled: "An Act to permit the erection and operation of Students' Union Buildings at the state educational institutions of the State of Montana, and to authorize the financing thereof in conformity with the National Industrial Recovery Act." Referred to Judiciary Committee.

The following bill was introduced in the Senate and read first and second times:

H. B. No. 22, introduced by Besancon: A bill for an Act entitled: "An Act making bonds of the 'Home Owners' Loan Corporation' eligible for investment purposes for the State of Montana and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivision of the state, or any political or public corporation of the state, or for any insurance company, building and loan association, or for any bank, trust company or other financial institution operating under the Laws of this state, or for any executor, administrator, guardian, or conservator, trustee or other fiduciary, and making such bonds eligible as security for depository bonds and obligations."

The reading of the history disclosed that House Bill No. 22 had not been printed. Upon objections being made to consideration of said House Bill No. 22, it was moved by Senator Page, duly seconded and carried, that House Bill No. 22 be returned to the House with the request that the same be printed.

Moved by Senator Burr, duly seconded and lost by the following vote, that Senate Substitute for Senate Bill No. 1 be taken from the Engrossing Committee, returned to the Senate and placed on General File:

Ayes: Armstrong, Burr, Carroll, Clifford, Danielsen, Delaney, Donovan, Galt, Garber, Jergensen, Kalberg, Kelsey, Lamp, Page, Plank, Plumer, Putnam, Ruffcorn, Simmons, Sparling, Staggs, Walker, Willis. Total 23.

Noes: Angvick, Campbell, Carey, Church, Clarke, Coburn, Cooper, Corwin, Duncan, Eaton, Ekegren, Harris, Hennessy, Himsl, Holt, Holton, Husband, Kane, Kaulbach, Kemmis, Kilduff, Larson, Parkin, Pauline, Reed, Rowland, Thien, Wass, Wheeler. Total 29.

Absent and not voting: Keeley, MacGilvra, Melton, Murphy. Total 4.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 10:36 A. M., until 2:00 P. M.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:00 P. M.
President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Federal Relations submitted the following report:

Mr. President: We, your Committee on Federal Relations, having had under consideration House Joint Resolution No. 2, by Ralston, respectfully report as follows: That House Joint Resolution No. 2 be concurred in.

EKEGREN, Chairman.

Report adopted.

The Committee on Taxation submitted the following report:

Mr. President: We, your Committee on Taxation, having had under consideration House Bill No. 5, respectfully report as follows: That House Bill No. 5 be amended as follows: By striking out in line 3 of Section 3, of the printed bill, and in lines 3 and 4 of the original bill on page 5 thereof, after the word "decendent," and before the word "on," the following words: "which has not been distributed," and inserting in lieu thereof the words: "on which the inheritance tax has not been determined by the Court"; and, as so amended, we recommend that the same be concurred in.

RUFFCORN, Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 6, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following notices of introduction of bills were this day received:

By Repogle (Fergus): A bill for an Act entitled: "An Act to amend Section 2 of Chapter 180 of the Session Laws of the Twenty-third Legislative Assembly, 1933, relating to certain license fees, fixing the amount of such license fees and prescribing a method for the assessment thereof."

By Goodwin (Silver Bow): A bill for an Act entitled: "A bill to produce revenue for the proper supervision of the liquor business in the State of Montana."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 6, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on Agriculture—H. B. No. 23 do pass.

Committee on Judiciary—H. B. No. 24 do pass.

Committee on Printing—H. B. No. 2 and H. B. No. 4 correctly printed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 6, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following motion was this day introduced by Love of Dawson:

"I move that a committee of five members be appointed by the Speaker and authorized to procure from the Governor, the various departments of state, and from the committees of the House information covering the requirements and needs of Emergency Relief, the Genral Fund, and the University Millage Fund for the biennium ending June 30, 1935; such committee of five to compile and furnish each member of this body with a list of such requests and requirements and in addition thereto they shall furnish information as to amount of revenue expected to be actually realized from tax measures now on statute books and also a conservative estimate from the Committee on Revenue and Taxation as to amount of revenue to be expected from tax measures thus far proposed at this Session. Such information to be furnished before consideration of revenue measures is begun. Such committee of five to furnish same information on revenue bills that may be presented in the future."

Thereupon a motion was made that the Ways and Means Committee be authorized as follows:

"That the Committee on Ways and Means be instructed to procure information under motion made by Love." Carried.

Thereupon the Ways and Means Committee was directed:

"To present the information so procured and make recommendation with reference thereto."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bill was introduced, read first and second times and referred:

S. B. No. 7, by Wass: A bill for an Act entitled: "An Act to amend Section 4 of Chapter 158 of the Twenty-second Legislative Assembly of the State of Montana relating to the registration of motor vehicles." Referred to Committee on Roads and Highways.

MOTIONS AND RESOLUTIONS

The following motion was submitted:

Mr. President: Inasmuch as a number of buildings are requested on the program for recovery from the depression by the NIRA, I move that a committee of five be appointed from the Senate to act with a like committee from the House to investigate the necessities and facilities for liquidation.

CLIFFORD.

The foregoing motion was duly seconded and carried.

The committee appointed to draft resolutions on the death of J. Frank Cone submitted the following resolution:

John F. Cone, or Frank, as he was known to a multitude of friends in every section of Montana, was born in Oakland, California, on the twenty-second day of January, 1877. His parents, Patrick H. and Jennie Cone, were of the sturdy, hard working, honest type of Irish immigrants who, longing for America's freedom and tiring of religious persecution at home, came to America and joined the great army of gold seekers in the mad rush of '49 to the Golden Gate of California.

In the early '80's, Frank Cone came to Montana, and although but fifty-six years of age at the time of his death August 3, 1933, at Helena, Montana, he had been a resident of Montana over half a century.

His early education was obtained in the public schools of Missoula and later he attended St. Mary's College, Oakland, California, where he graduated with honors in the class of '97.

As a young man of unusual ability and integrity, and gifted by nature with an unusual faculty of making and holding fast friendships, he was soon embarked upon a most creditable and public career. He was appointed City Clerk of the City of Hamilton in 1898. He was elected Clerk of the District Court in Ravalli County in 1900 and served in that capacity until the expiration of his term of office. He was elected to the Legislature in 1905 as a member of the House, and in 1906 was appointed Surveyor General, which position he held for several years under the administration of President Theodore Roosevelt. He was elected to the State Senate in 1918, and upon the conclusion of his term as Senator, he was in 1923, as the choice of both major political parties, elected Secretary of the Senate, which position he held continuously until the time of his death.

He was a Republican and a member of the Fraternal Order of Elks.

Frank Cone was a man of unusual attainments. He made friends in all walks of life and retained them because of his personal magnetism, dignified charm and keen sense of fair play, coupled with a strict adherence to the Golden Rule. He had an uncanny concept of duty and nothing could swerve him from its performance.

Surviving Frank Cone are his loving and devoted wife, Mae Curtis Cone, daughter of the beloved pioneer, Charlie Curtis of Helena, and four children, two sons, Frank and Curtis, and two daughters, Margaret and Celeste, all residing at Hamilton, Montana. May they, in their great loss, be sustained and comforted by the splendid and enviable record he has left behind as a citizen, a husband, a father, a friend, and a man. May he rest in peace.

GEO. R. COOPER,
J. W. CORWIN,
T. J. WALKER,

Committee from the Senate.

Moved by Senator Cooper, duly seconded and unanimously carried by a standing vote, that the foregoing resolution on the death of J. Frank Cone be adopted; and that an embossed copy of the resolution be sent to the family of the deceased at Hamilton, Montana.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 2:22 P. M., in respect to the memory of J. Frank Cone, until 10:00 A. M., Thursday, December 7, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

ELEVENTH DAY

Helena, Montana, December 7, 1933.

Senate convened at 10:00 A. M.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present except Melton, excused.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Tenth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

The President appointed the following as Senate members of the Special Committee, authorized by Senator Clifford's motion of December 6th, to act with a like committee from the House, relative to buildings requested on the program for recovery from the depression by the NIRA: Senators Clifford, Carroll, Burr, Holton, Staggs.

REPORTS OF STANDING COMMITTEES

The Committee on Engrossing submitted the following report:

Mr. President: We, your Committee on Engrossing, beg leave to report the following bill correctly engrossed: Senate Substitute for Senate Bill No. 1.

MacGILVRA, Chairman.

Report adopted.

The Committee on Employment submitted the following report:

Mr. President: We, your Committee on Employment, beg to report that we have this day recommended the appointment of the following persons for the positions mentioned in the Senate organization:

Lillian C. Keister	Proofreader, as of Dec. 6th
Betty Peck	Proofreader, as of Dec. 6th
Fern Millsap	Typist, as of Dec. 7th
Lempi Kiviren	Stenographer, as of Dec. 6th

THIEN, Chairman.

Report adopted.

The Judiciary Committee submitted the following reports:

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 3, respectfully report as follows: That Senate Bill No. 3 do pass.

CAMPBELL, Chairman.

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 3, introduced by Nutting, Snidow, Fowler, Logan, Abrahamson, Kuhl, O'Shea, Manning, Annin, Pierson, respectfully report as follows: That House Bill No. 3 be concurred in.

CAMPBELL, Chairman.

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 8, introduced by Woodcock, Lewis and Shannon, respectfully report as follows: That House Bill No. 8 be concurred in.

CAMPBELL, Chairman.

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 9, introduced by Marshall, respectfully report as follows: That House Bill No. 9 be amended as follows:

By adding the following section, which will be "Section 5":

"Section 5. An emergency is hereby declared to exist and this Act is hereby declared to be necessary for the immediate preservation of the public peace and safety and shall take effect and be in full force and effect from and after its passage and approval," and, as so amended, be concurred in.

CAMPBELL, Chairman.

Report adopted.

The Committee on Roads and Highways submitted the following report:

Mr. President: We, your Committee on Roads and Highways, having had under consideration Senate Joint Resolution No. 1, respectfully report as follows:

That S. J. R. No. 1 be amended by striking from the typewritten resolution all of lines 5, 6, 7, 8 and 9, on page 2 and recommend that said resolution as amended do pass.

HUSBAND, Chairman.

Report adopted.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

December 7, 1933.

The President of the Senate,
Senate Chamber,
Helena, Montana.

Chapter 40 of the Session Laws of 1933 relates to the expenses of officers and employees of the State of Montana while traveling on business for the state, and provides that in such cases the expenses of the officers, other than railroad, bus or automobile fare, shall not exceed the sum of four dollars a day.

This law has now been operative the better part of a year and my experience on the State Board of Examiners has forced upon me the conclusion that the law should be amended. I have found that an official called upon to make a trip on state business can not live on four dollars a day unless he seeks accommodation at some hotel away from the heart of business or official district and orders his food with an eye to economy rather than sufficiency.

Having had occasion to test the matter, I conclude that an amendment to the existing statute should be made, and I therefore recommend that this Extraordinary Session enact a measure so amending Section 1 of Chapter 40 as to except elective State officers from this limitation.

THE BEER BILL

At the Regular Session early in the year this Assembly passed the "Beer Bill," under which the sale of 3.2 beer was legalized and has been conducted under the control of the State Board of Equalization. Experience during the few months of operation has demonstrated that some of the provisions of the measure are vague and some in conflict, and in order that there may be corrective legislation in this regard I am herewith submitting the matter to this Extraordinary Session for such amendments to the existing law as will make the provisions clear on all points, to the end that there may be no inequalities and no unfairness to either the state or licensee.

CONSOLIDATION OF SCHOOL DISTRICTS

I have been called upon by a committee of the Montana School Boards Association with the urgent request that there be given an opportunity for consideration of a measure designed to materially reduce the cost of education through the elimination of inefficient units of school administration. The committee desires that this Extraordinary Session enact into a law a measure proposed at the Regular Session of this assembly, this being known as House Substitute for House Bill No. 271, "providing for consolidation of school districts; providing for transportation; providing for officers and providing certain districts shall not receive aid from the county or state equalization fund."

Impressed by the importance of the request I am hereby submitting the matter to this honorable body for such action as it may deem warranted.

F. H. COONEY, Governor.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 6, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day made and upon motion adopted:

Committee on State Institutions, Public Buildings and Grounds to whom was referred H. B. No. 17 and 18, reported that: "The Committee on State Institutions, Public Buildings and Grounds be excused from attendance upon this session for the purpose of visiting Galen and Warm Springs and report their findings to this body."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 6, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on Revenue and Taxation—H. B. No. 21, do not pass.

Substitute H. B. No. 13, upon motion, was re-referred to Committee on Revenue and Taxation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 6, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was, without previous notice, this day introduced, read first and second time and referred to committee:

House Bill No. 27, introduced by Committee on Revenue and Taxation: A bill for an Act entitled: "An Act providing a license tax for doing certain business in the State of Montana; to provide emergency relief and

for the ascertainment, assessment and collection of said tax, and prescribing penalties for the violation of the terms of this Act, and for the disposition of the revenue received."

Committee on Revenue and Taxation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 6, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day introduced, read first and second times and referred to committee:

House Bill No. 26, introduced by Harlen, a bill for an Act entitled: "An Act to amend Sections 4531, 4532 and 4533 of the Revised Codes of Montana of 1921, amended by Chapter 91, Laws of Montana, 1931, relating to the application of destitute persons seeking relief; the residence of said persons; and providing temporary relief to non-residents. Referred to Committee on Judiciary.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 6, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following House Joint Memorial No. 2 was this day introduced, read first and second time and referred to committee:

House Joint Memorial No. 2, introduced by Watson of Meagher: A Memorial addressed to the Congress of the United States, requesting the enactment of effective laws prohibiting the producers and distributors of gasoline from establishing unfair and unjust prices for the sale at retail to the people of the United States, and thus removing unjust discrimination. Referred to Committee on Federal Relations.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 6, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Notice of Introduction of Bill was this day received:

By Reardon (Deer Lodge), McDermott (Silver Bow). A bill for an Act entitled: "An Act empowering cities and towns to prepare and improve streets, avenues and alleys within sprinkling districts so that the sprinkling thereof with water, oil, salt or any other dust palliative, will be of a durable and continuing benefit and authorizing cities and towns to enter into agreements with the United States of America for loans of money and for financial aid and in the accomplishment thereof and apportioning the cost thereof over a period of years."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 6, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill, upon motion, was considered correctly engrossed and placed upon calendar for third reading, was this day read three several times, passed, title and history agreed to, and the bill is herewith transmitted to the Seante for its concurrence: H. B. No. 1.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bills were introduced, read first and second times, and referred:

S. B. No. 8, by Ruffcorn: A bill for an Act entitled: "An Act to cede jurisdiction to the United States over the Fort Peck Dam, the body of water created by such dam, the land under such body of water, and any lands now owned or which may be hereafter acquired by the United States and which shall touch such body of water, all being in the counties of Valley, Phillips, McCone, Garfield, Petroleum and Fergus, Montana, and reserving certain rights to the State of Montana." Referred to Committee on Public Lands.

H. B. No. 1. Introduced by Besancon. A bill for an Act entitled: "An Act to amend Section 1, of Chapter 103, of the Montana Session Laws of 1933, and to repeal Section 3, of Chapter 158, Session Laws of 1931, relating to registration and registration fees of motor vehicles and dealers thereof and distribution of the revenues received therefrom." Referred to Committee on Roads and Highways.

MOTIONS AND RESOLUTIONS

Moved by Senator Plank, duly seconded and carried, that Senate Substitute for Senate Bill No. 1 be taken from Third Reading of Bills and placed on General File for further consideration.

Moved by Senator Donovan, duly seconded and carried, that House Bill No. 5 be taken from General File and referred to the Judiciary Committee.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Carey in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That S. B. No. 4 be amended as follows: That all of Section 4 of Senate Bill No. 4 be stricken out and that in lieu thereof the following be inserted:

"Section 4. An emergency is hereby declared to exist, and this Act is hereby declared to be necessary for the immediate preservation of the public peace and safety and shall take effect and be in full force from and after its passage and approval."

And, as so amended, recommend that said S. B. No. 4 do pass.

That S. B. No. 5 be amended as follows: That all of Section 2 of Senate Bill No. 5 be stricken out and that in lieu thereof the following be inserted:

"Section 2. An emergency is hereby declared to exist, and this Act is hereby declared to be necessary for the immediate preservation of the public peace and safety and shall take effect and be in full force from and after its passage and approval."

And, as so amended, recommend that said S. B. No. 5 do pass.

That consideration of Senate Substitute for Senate Bill No. 1 be passed for the day.

That consideration of House Bill No. 3 be passed for the day.

That consideration of House Bill No. 9 be passed for the day.

That consideration of House Bill No. 8 be passed.

That H. J. R. No. 2 be returned to the House for correction of the history and for printing.

CAREY, Chairman.

Moved by Senator Carey that the foregoing report of the Committee of the Whole be adopted; motion duly seconded.

As an amendment to the motion by Senator Carey, Senator Kelsey moved that House Joint Resolution No. 2 be segregated from the report of the Committee of the Whole; motion to amend duly seconded and carried.

Moved by Senator Kane, duly seconded and carried, that the report of the Committee of the Whole, as amended, be adopted.

Moved by Senator Kelsey, duly seconded and carried, that the President appoint a committee of three members to redraft House Joint Resolution No. 2.

The President thereupon appointed the following as members of the committee to redraft House Joint Resolution No. 2: Senators Kane, Husband, Larson.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:35 a. m., until 2:00 p. m.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:00 p. m.

President presiding.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

December 7, 1933.

The President of the Senate,
Senate Chamber,
Helena, Montana.

In preparation for the tremendous project which the United States Government has undertaken in the building of the Fort Peck Dam it is found necessary to acquire title to a large area of state lands that will be flooded when the dam shall have been completed.

It is found that the restrictions of our present land laws will operate to delay much longer than is desirable the acquirement of title to these tracts, and it appears highly necessary that amendments be made which will expedite the matter of transfer.

I therefore submit this question for your consideration with the recommendation that this Assembly in Extraordinary Session enact such legislation as may in its judgment be desirable in order to authorize and expedite the sale of state lands and the ceding of jurisdiction to the United States Government in connection with the Fort Peck Dam and other projects undertaken by the Government of the United States.

Inheritance Tax Amendment

I also herewith submit for your consideration the question of amendment of our present inheritance tax laws, with a view to increasing revenues therefrom prospectively and, so far as valid, retrospectively; and I recommend that such amendment be enacted.

F. H. COONEY,
Governor.

INTRODUCTION OF BILLS

The following bills were introduced, read first and second times, and referred:

S. B. No. 9, by Committee on Judiciary: A bill for an Act entitled: "An Act authorizing and permitting cities and towns to make loans from the United States or any of its agencies created for such purpose under the Acts of Congress known as the Emergency Relief and Construction Act of 1932, and National Industrial Recovery Act, and Acts amendatory thereof and supplementary thereto, for the construction, purchase, acquisition, enlargement, extension or improvement of municipal water plants and systems, the construction, enlargement, extension and improvement of sewers, sewer systems, septic tanks or other plants or systems for the treatment, purification or disposal of sewerage, providing the method of procedure therefor and validating all proceedings and elections heretofore commenced or held for such purposes, or any thereof." Referred to Committee on Judiciary.

S. B. No. 10, by Committee on Irrigation and Water Rights: A bill for an Act entitled: "An Act authorizing and empowering the State Engineer to negotiate compacts with other states regarding interstate waters." Referred to Committee on Irrigation and Water Rights.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Engrossing submitted the following report:

Mr. President: We, your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 4 and 5, beg leave to report same back correctly engrossed.

MacGILVRA, Chairman.

Report adopted.

MOTIONS AND RESOLUTIONS

Moved by Senator Ruffcorn, duly seconded and lost, that House Bill No. 5 be taken from the Judiciary Committee and placed on General File.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Danielsen in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 8 be concurred in.

DANIELSEN, Chairman.

Upon motion of Senator Danielsen, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Moved by Senator Kane, duly seconded and carried, that House Bill No. 8 be placed on Third Reading of Bills.

THIRD READING OF BILLS

S. B. No. 4, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 53.

Noes: Carroll.

Absent and not voting: Hennessy, Melten. Total 2.

S. B. No. 5, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 53.

Noes: Carroll.

Absent and not voting: Hennessy, Melton. Total 2.

H. B. No. 8, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kil-

duff, Lamp, Larson, MacGivra, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 53.

Noes: None.

Absent and not voting: Burr, Hennessy, Melton. Total 3.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 2:36 p. m., until 10:00 a. m., Friday, December 8, 1933.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

TWELFTH DAY

Helena, Montana, December 8, 1933.

Senate convened at 10:00 a. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Eleventh Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on Public Lands submitted the following reports:

Mr. President: We, your Committee on Public Lands, to whom was referred Senate Bill No. 6, do hereby report as follows:

1. Amend the title to the bill by striking the period, inserting a semi-colon in place thereof and adding the following words:

“and also authorizing and regulating the sale of state lands for projects under the administration of the State Water Conservation Board.”

2. Amend Section 3 of the bill by inserting in line 4, following the word “value” the words:

“No land shall be sold for less than the appraised value;”

3. Amend the bill by inserting a new Section 5, reading as follows:

“Section 5. The provisions of this Act shall also apply to the sale of state lands for projects under the administration of the State Water Conservation Board.”

4. Re-number Section 5 of the bill as Section 6.

We further recommend that as so amended the bill do pass.

HOLTON, Chairman.

Report adopted.

Mr. President: We, your Committee on Public Lands, having had under consideration Senate Bill No. 8, respectfully report as follows: That said Senate Bill No. 8 do pass.

HOLTON, Chairman.

Report adopted.

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Bill No. 3 and Senate Joint Resolution No. 1, beg leave to report that the same have this date been returned from the printer correctly printed.

GALT, Chairman.

Report adopted.

The Select Committee to which was referred H. J. R. No. 2 submitted the following report:

Mr. President: We, your select committee to which was referred House Joint Resolution No. 2 by Ralston, having had under consideration House Joint Resolution No. 2, respectfully report as follows:

That House Joint Resolution No. 2 be amended by striking all of the words contained in said resolution after the word "American" in line 8, and by inserting the following:

To His Excellency, the President of the United States:

"We, the members of the Legislative Assembly of Montana in Special Session assembled, appreciative of many Federal grants to Montana for needed relief, and realizing that you may desire to personally inspect the site and initial work on the Fort Peck Dam and other public works proposed or in course of construction within the State of Montana, and recognizing the fact that you will need to refresh yourself from the cares and worries of state, hereby extend to you a cordial invitation to spend a vacation within the State of Montana, in Glacier National Park or Yellowstone National Park or any other place to be selected by you. In extending this invitation, we confidently believe you will enjoy the scenery, fishing and the climate of the "Treasure State."

And that as so amended House Joint Resolution be concurred in.

TOM KANE,
W. C. HUSBAND,
T. O. LARSON.

Report adopted.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

December 8, 1933.

The President of the Senate,
Senate Chamber,
Helena, Montana.

The appropriation bill known as House Bill No. 140, passed at the Regular Session and approved March 17, 1933, appropriated from the General Fund for each year of the current biennium the sum of Seven Thousand Dollars for the Veterans' Welfare Commission as follows: "For salaries and expenses, \$3500.00; for gifts and relief to war veterans, \$3500.00."

Previously, as in 1931, for example, this appropriation was "For veterans' welfare expenses, \$10,000.00."

This appropriation was made before the passage of the National Economy Act. As a result of this Act and regulations issued thereunder it has become necessary for the disabled veterans of this state to resubmit their cases to rating and reviewing boards. To do this, assistance of the Veterans' Welfare Commission is necessary, to the end that the disabled may have their claims adequately prepared and presented. An additional bur-

den has thus been placed on the Veterans' Welfare Commission. The appropriation for salaries and expenses is nearly exhausted, but there remains in the "gift and relief appropriation" sufficient, if transferred, for general expenses and salaries to allow the Commission to continue its services. If such transfer is not made the Commission will be required to discontinue its services at a time when there is great need therefor.

I therefore recommend that this Extraordinary Session grant authority to the State Board of Examiners, the State Treasurer and the State Auditor, to transfer any unexpended balance heretofore appropriated for the year ending June 30, 1934, from "gift and relief to war veterans" to the fund for "salaries and expenses" of the Veterans' Welfare Commission; and that like action be taken with reference to the sum of \$3500.00 appropriated for "gifts and relief" for the year ending June 30, 1935.

F. H. COONEY, Governor.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 7, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and upon motion, adopted:

Committee on Revenue and Taxation: H. B. No. 6 do not pass.

Committee on Revenue and Taxation: Substitute H. B. No. 6 do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 7, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee report was this day made, and upon motion, adopted:

Committee on Printing: H. B. No. 22, H. B. No. 23, H. B. No. 24, correctly printed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 7, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Printing Committee this day reported, as correctly printed, House Bill No. 22, heretofore returned to the House from your Honorable Body. I am transmitting H. B. No. 22 to you for your concurrence.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 7, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day made and, upon motion, adopted:

Committee on Labor—H. B. No. 16 do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 7, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on Judiciary—H. B. No. 15 do not pass. H. B. No. 19 do pass as amended. H. B. No. 26 do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 7, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day introduced, read first and second time and referred to committees:

S. B. No. 4, by Committee on Banks and Banking. Referred to Committee on Banks and Banking.

S. B. No. 5, by Committee on Banks and Banking. Referred to Committee on Banks and Banking.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 7, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following House Joint Resolution and House Joint Memorial were this day introduced, read first and second time and referred to committee:

H. J. R. No. 3, by Sullivan, O'Connell, Doe, Freudenstein, Ferry, Rear-don, Mulholland, Doran, McCarvel, Beadle, McDermott, Larson, Goodwin, Harrington: "A resolution urging the passage and approval of appropriate legislation by the next Session of Congress providing for a sufficient protective tariff for the promotion and betterment of the domestic manganese industry and regulating the importation of foreign manganese." Committee on Federal Relations.

H. J. M. No. 3, by O'Connell, Freudenstein, Beadle: "A memorial to the Congress of the United States of America, requesting the enactment of an adequate unemployment insurance law." Committee on Federal Relations.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 7, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was, without previous notice, this day introduced, read first and second time and referred to committee:

House Bill No. 30, introduced by Revenue and Taxation Committee: A bill for an Act entitled: "An Act relating to the licensing and regulation of the manufacture, sale and distribution of beer and other similar beverages, and to amend Sections 2, 3, 9, 13, 14, 17, 20, 28, 30, 32, 43, 45, 48 and 49, and to repeal Sections 21, 22, 23, 24, 25, 26, 27, 38, 39, 41 and 42 of Chapter 106, Laws of 1933, relating thereto." Referred to Committee on Revenue and Taxation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 7, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day introduced, read first and second times and referred to committees:

H. B. No. 28, by Replogle, a bill for an Act entitled: "An Act to amend Section 2 of Chapter 180 of the Session Laws of the Twenty-third Legislative Assembly 1933, relating to certain license fees fixing the amount of such license fees and prescribing a method for the assessment thereof." Referred to Committee on Revenue and Taxation.

House Bill No. 29, introduced by McDermott and Reardon (Deer Lodge), a bill for an Act entitled: "An Act empowering cities and towns to prepare and improve streets, avenues and alleys within sprinkling districts so that the sprinkling thereof with water, oil, salt or any other dust palliative, will be of a durable and continuing benefit and authorizing cities and towns to enter into agreements with the United States of America for loans of money and for financial aid in the accomplishment thereof and apportioning the cost thereof over a period of years." Committee on Affairs of Cities.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 7, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following notices of introduction of bills were this day received:

By Nass and O'Connell: A bill for an Act entitled: "An Act amending Chapter 155, Session Laws of 1933, requiring licenses for the operation, maintenance, opening or establishment of stores in this state, prescribing the license and filing fees to be paid therefor, and the disposition thereof, and the powers and duties of the State Board of Equalization in connection therewith, and prescribing penalties for the violation thereof."

By Haight: A bill for an Act entitled: "An Act to amend Section 2, of Chapter 181 of the laws of the Twenty-third Legislative Assembly, entitled: "An Act providing for the levy and collection of an income tax; providing for exemption and fixing basis and rate of tax; prescribing the duties and powers of the State Board of Equalization in its administration; providing procedure and machinery for administration thereof; fixing the jurisdiction of the courts in connection with review and appeal under this Act; providing penalties for violations hereof and making appropriations to carry out its purposes."

By Haight: A bill for an Act entitled: "An Act to amend Section 1, of Chapter 166, of the laws of the Twenty-third Legislative Assembly" entitled: "An Act to amend Sections 2296, 2297, and 2303 and to repeal Section 2298, Montana Revised Codes of 1921; to provide a license tax upon corporations organized under the laws of the State of Montana, or organized under the laws of any other state and doing business within this state; providing a method of arriving at net income, allowing certain deductions and exempting certain corporations from said tax; to provide for allocation of income to Montana of business done by corporations both within and without the state; to provide for the necessary enforcement and collection of said tax, and penalties for failure to comply herewith, and granting powers to the State Board of Equalization to make rules and regulations relative thereto, and repealing all Acts and parts of Acts in conflict herewith.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 7, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following notice of introduction of bill was this day received:

By Larsen, Metlen, Shannon, Somerville, Jensen: A bill for an Act entitled: "An Act requiring every person, firm or corporation engaged in the business of printing and publishing a newspaper within this state to pay an annual license; and providing for the distribution of the funds created by such license fees."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

House Bill No. 22, by Besancon, was returned from the House properly printed, and was referred to the Judiciary Committee.

With unanimous consent, the following Senate Joint Memorial was introduced without previous notice having been given, read first and second times, and referred:

S. J. M. No. 3, by Kelsey, A Memorial to the President of the United States, the Secretary of Agriculture of the United States, and Chief Forester of the United States." Referred to Committee on Federal, state and local relief.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Roads and Highways submitted the following report:

Mr. President: We, your Committee on Roads and Highways, having had under consideration Senate Bill No. 7, respectfully report as follows:

That the typewritten bill be amended by adding to Section 4, after the word "vehicle" in line 30, the following words:

"Provided further, that this Act shall be applicable only to applications for registration or re-registration of motor vehicles upon which license has not heretofore been paid," and by striking out all of Section 3 and inserting in lieu thereof:

"Section 3. An emergency is hereby declared to exist and this Act is hereby declared to be necessary for the immediate preservation of the public peace and safety and shall take effect from and after January 1, 1934," and, as so amended, that said Senate Bill No. 7 do pass.

Report adopted.

HUSBAND, Chairman.

MOTIONS AND RESOLUTIONS

Moved by Senator Simmons, duly seconded and carried, that the Secretary of the Senate be authorized and instructed to place typewritten copies on the desk of each Senator of all supplementary messages of the Governor addressed to the Senate containing recommendations in reference to legislation at this Extraordinary Session of the Legislature.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Garber in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That Senate Substitute for Senate Bill No. 1 be amended in Section 2 by striking out in line twenty-four the words "legal, brokerage" and in line twenty-five the words "fiscal agency" and inserting after the period in line twenty-eight the following: "No attorney fees, brokerage or other fees or commission of any kind shall be paid to any person or corporation for assisting in the proceedings, or in the preparation of the bonds or in negotiating the sale thereof."

That Senate Substitute for Senate Bill No. 1 be amended in Section 5 by striking out in line nine the word "six" and inserting in lieu thereof the word "five."

That Senate Substitute for Senate Bill No. 1 be amended in Section 8 by striking out in line three the word "six" and inserting in lieu thereof the word "five," and, as so amended, recommend that said Senate Substitute for Senate Bill No. 1 do pass.

That consideration of H. B. No. 3 be passed for the day.

That consideration of H. B. No. 9 be passed for the day.

GARBER, Chairman.

Upon motion of Senator Garber, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:42 A. M., until 2:00 P. M.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:00 P. M.

President presiding.

INTRODUCTION OF BILLS

The following Senate Joint Memorial was introduced, read first and second times, and referred:

S. J. M. No. 4, by Committee on Agriculture: A Memorial to the President of the United States relating to the administration of Federal Farm Loans by the Federal Land Bank located at Spokane, Washington, and other agencies in relation to loans upon farms within the State of Montana. Referred to Committee on Agriculture.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Putnam in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That S. B. No. 3 do pass.

That S. J. R. No. 1 do pass.

That H. J. R. No. 2 be concurred in.

PUTNAM, Chairman.

Upon motion of Senator Putnam, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 2:13 P. M., until 10:00 A. M., Saturday, December 9, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

THIRTEENTH DAY

Helena, Montana, December 9, 1933.

Senate convened at 10:00 a. m.

President presiding.

Prayer by the Chaplain.

Roll call: All members were present except: Cooper, Eaton, Galt, Kaulbach, Parkin, Thien, Walker, excused.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Twelfth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Judiciary Committee submitted the following reports:

Mr. President: We your Committee on Judiciary, having had under consideration House Bill No. 22, introduced by Besancon, respectfully report as follows: That House Bill No. 22 be concurred in.

CAMPBELL, Chairman.

Report adopted.

Mr. President: We your Committee on Judiciary, having had under consideration Senate Bill No. 9, respectfully report as follows: That Senate Bill No. 9 do pass.

CAMPBELL, Chairman.

Report adopted.

Mr. President: We your Committee on Judiciary, having had under consideration Senate Bill No. 2, respectfully report as follows: That Senate Bill No. 2 do not pass.

CAMPBELL, Chairman.

Report adopted.

The Committee on Agriculture submitted the following report:

Mr. President: We, your Committee on Agriculture, having had under consideration Senate Joint Memorial No. 4, respectfully report as follows: That S. J. M. No. 4 do pass.

KEMMIS, Chairman.

Report adopted.

The Committee on Federal, State and Local Relief submitted the following report:

Mr. President: We, your Committee on Federal, State and Local Relief having had under consideration Senate Joint Memorial No. 3, respectfully report as follows: That S. J. M. No. 3 do pass.

KEMMIS, Chairman.

Report adopted.

The Committee on Irrigation and Water Rights submitted the following report:

Mr. President: We, your Committee on Irrigation and Water Rights, having had under consideration Senate Bill No. 10, respectively report as follows:

That Senate Bill No. 10 do pass.

JERGENSEN, Chairman.

Report adopted.

The Judiciary Committee submitted the following report:

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 5, introduced by Revenue and Taxation Committee, beg leave to report as follows:

It is the opinion of your Committee that the Senate has no power to legislate on the subject contained in said bill, since at the time it was introduced in the House it had not been recommended by the Governor nor specified in his proclamation calling the extra session. We therefore recommend that said House Bill No. 5 be returned to the House.

CAMPBELL, Chairman.

Report adopted.

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Bills Nos. 6, 7 and 8, beg leave to report that the same have this date been returned from the printer correctly printed.

HENNESSY, Vice-Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 8, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and, upon motion, adopted:

Committee on Printing—H. B. No. 19 and H. B. No. 26, correctly printed.

Committee on Judiciary, H. B. No. 11, be printed and placed on General Orders without recommendation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 8, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and upon motion adopted:

Committee on Banks and Banking, S. B. No. 5 be concurred in.

Committee on Banks and Banking, S. B. No. 4 be concurred in.

Committee on Fairs and Expositions, H. B. No. 25 do pass.

Committee on Labor, H. B. No. 16, do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 8, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Notice of Introduction of Bill was this day received:

By Appropriations Committee: A bill for an Act entitled: "An Act directing the State Board of Examiners, the State Auditor and the State Treasurer to transfer certain sums from and to certain accounts in the funds appropriated for the Veterans' Welfare Commission for the biennium ending June 30, 1935, for the purpose of enabling said Commission to maintain its efficiency and to properly handle the claims of disabled ex-service men for compensation under Acts of Congress."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 8, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Notice of Introduction of Bill was this day received:

By Watson (Meagher): A bill for an Act entitled: "An Act providing for the consolidation of all units of the State University of Montana and the removal of all units thereof to Lewistown, Fergus county, the geographical center of the state; to authorize the State Board of Examiners of the State of Montana to move, sell or dismantle any and all buildings now occupied or used by the units of said university and to contract and finance or enter into all necessary and appropriate contracts and arrangements with the United States under the National Recovery Act or other legislation of the United States in connection therewith, limiting the amount of indebtedness to be incurred not to exceed One and One-half Millions of Dollars."

By Roll: A bill for an Act entitled: "An Act providing for consolidation of school districts; providing for transportation; providing for officers and providing certain districts shall not receive aid from the county or state equalization fund."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 8, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Notice of Introduction of Bill was this day received:

By McDermott: "An Act regulating the hours of labor of drivers and attendants of motor busses, and motor trucks in the State of Montana; defining the terms "attendant" and fixing penalties for the violation of the provisions of this Act."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 8, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House having had under consideration business on General Orders do report that we recommend:

H. B. No. 23 do pass as amended.

H. B. No. 24 be passed until Monday, December 11.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 8, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders do report that we recommend:

S. B. No. 4 be concurred in.

S. B. No. 5 be concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 8, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day introduced, read first and second times and referred to committee:

H. B. No. 31, by Committee on Appropriations. A bill for an Act entitled: "An Act to appropriate money to establish and operate state liquor stores authorized by Chapter 105 of the Laws of the Twenty-third Legislative Assembly of the State of Montana, commonly known as the State Liquor Control Act." Committee on Appropriations.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 8, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following motion by Besancon, was adopted:

"Inasmuch as two standing committees of the House have given their attention to the matter of investigating the necessities and facilities for liquidation of the various building projects contemplated in bills before

the House, including personal visits by one standing committee to some of the institutions where buildings are in prospect, it seems that no further investigation along that line is necessary by the House, so I move that we respectfully decline the request of the Senate for the appointment of a House committee to act with a like committee from the Senate in the matter of the motion by Senator Clifford, which the Senate recently adopted."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 9, 1933.

Mr. President: I am directed by the House to inform you that the following motion was this day adopted:

I move that the Senate be requested to return House Bill No. 5 to the House.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 8, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, passed, title and history agreed to, and the bills are herewith transmitted to the Senate: S. B. No. 4, S. B. No. 5.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 8, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill, upon motion, was considered correctly engrossed and placed upon calendar for third reading; was this day read three several times, passed, title and history agreed to, and the bill is herewith transmitted to the Senate for its concurrence: H. B. No. 23.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bill was introduced, read first and second times, and referred:

H. B. No. 23. Introduced by Parker of Flathead. A bill for an Act entitled: "An Act to amend Section 1, Chapter 172, of the laws of Montana 1933, to make an exception as to the sale of prison made goods in the State of Montana to permit the sale of repairs for farm machinery now owned in this state. Referred to Committee on Agriculture.

Upon motion of Senator Kane, duly seconded and carried, business on General File was passed for the day.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 10:26 a. m. until 2:00 p. m. Monday, December 11, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

FIFTEENTH DAY

Helena, Montana, December 11, 1933.

Senate convened at 2:00 p. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present except: Hennessy, Larson, Thien, excused.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Thirteenth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on Mines and Mining submitted the following report:

Mr. President: We, your Committee on Mines and Mining, having had under consideration House Joint Resolution No. 1, respectfully report as follows:

That House Joint Resolution Number One, be amended as follows: By striking out the title and inserting in lieu thereof the words:

“A resolution “To the President and Congress of the United States to support or initiate a movement to stabilize the monetary and credit basis, so as to improve world commodity prices.”

By striking out all of resolution starting with line “8” and inserting in lieu thereof the following:

“Whereas, the people of this state, this nation and the world in general are struggling to maintain themselves, retain their property and business and meet their private and public obligations under the heavy and increasing burdens of steadily falling commodity prices, with consequent unemployment and other forms of hardship and distress; and

Whereas, the various efforts that have been made to restore prosperity and confidence, apparently based on the thesis that relief of special groups would relieve all other groups also, and that forced expansion of credit would raise commodity prices have either failed or proved inadequate; and

Whereas, it is our conviction that experience has demonstrated the inefficacy of the foregoing and other remedies and palliatives that have been proposed or applied to relieve the world-wide economic depression, therefore

Be It Resolved, by the legislature of the State of Montana, that we earnestly recommend a great use of silver as a monetary supplement to gold, thereby increasing the supply of metallic money for use as a circulating medium and as a basis for currency and credit, which by amplification of the supply of basic money will stabilize currency, credit and international exchange and increase and stabilize prices of commodities, with the many and great advantages that will result therefrom; and be it further

Resolved, that we respectfully petition the President and Congress of the United States to arrange for the participation of the United States in any international conference called by another nation or other nations

to consider an international agreement for such increased use of silver as money, or if no such conference be held in the immediate future, to call or obtain an international conference for that purpose under the auspices of the government of the United States, and if no such international conference can be obtained, to give serious consideration to individual action for increased use of silver as money by the United States; and be it further

Resolved, that as legislators of a state in which the production of silver is an important activity, we especially request that the question of such increased use of silver as money be considered and decided on its economic merits only and without reference to the effects of such action upon the silver mining industry, as we sincerely believe the question is of such vital importance to all the world as to render the welfare of those engaged in the industry itself a comparatively inconsequential part of the great issues involved and that consideration of the question should not be complicated by the introduction of group or individual interest, either of silver producers or others; and be it further

Resolve, that a copy of this Memorial be sent to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the United States Senators and Representatives from the State of Montana."

And, as so amended, recommend that said House Joint Resolution No. 1 be concurred in.

REED, Chairman.

Report adopted.

The Committee on Roads and Highways submitted the following report:

Mr. President: We, your Committee on Roads and Highways, having had under consideration House Bill No. 1, introduced by Besancon, respectfully report as follows:

That House Bill No. 1 be amended as follows: That all the words and figures in lines 16, 17 and 18 on the first page of the printed bill be stricken and the following words and figures be inserted in lieu thereof: "Motor vehicles weighing twenty seven hundred and fifty (2750) pounds or under, other than motor trucks, five dollars (\$5.00); motor vehicles weighing over twenty seven hundred and fifty (2750) pounds and under thirty-three hundred (3300) pounds, other than motor trucks, seven dollars and fifty cents (\$7.50); motor vehicles weighing over thirty-three hundred (3300) pounds, other than motor trucks, ten (\$10.00) dollars."

By striking from line 19 of the printed bill the words and figures five (\$5.00) dollars and inserting in lieu thereof the words and figures "ten (\$10.00) dollars."

By striking in Section 1, lines 37 to 41, inclusive, on page 2 of the printed bill and inserting in lieu thereof: "All license or registration fees collected by the county treasurer of the county in which any motor vehicle is registered shall be credited to the motor vehicle license fund of said county. The cost of making and mailing license plates and identification marks, certificates and other expenses of operating the motor vehicles department of the State of Montana shall be prorated by the Registrar of Motor Vehicles among the counties of the state in proportion to the number of cars registered in each county, and he shall bill each county therefor, by verified claim, and each county shall thereupon pay the amount so charged out of said motor vehicle license fund; provided, however, that each county shall receive credit for its pro rata share of any fees paid to the Registrar of Motor Vehicles, and provided further that the County Treasurer shall retain ten per cent of all license fees in said motor vehicle fund until he has been billed by the Registrar as aforesaid. The remainder of the funds in said motor vehicle license fund shall be used as follows:"

By striking out in Section 1 on page 2 in line 49 all the words beginning with the word "transmitted" and ending with the word "vehicles" and inserting in lieu thereof "held in the city road fund."

By striking out in Section 1 all of Subsection (c) beginning with line 60 page 2 and ending with line 67 page 3 and inserting in lieu thereof the following:

"(c) The net fees derived from the registration of motor vehicles in any county not having a city of the population of 35,000 or more, shall, at the end of each month, be transferred to the road fund of said county and shall be used by said county for the construction, repair and maintenance of all public highways within the boundaries of said county, except state highways, and such fees in any county having a city of a population of 35,000 or more, less so much thereof as may be apportioned to such city and held in the city fund as aforesaid, shall, at the end of each month, be transferred to the road fund of each county and used by said county for the construction, repair and maintenance of all public highways within the boundaries of said county. In all counties, said funds may be used for the construction, repair and maintenance of city streets forming component parts of arterial highways within the corporate limits of said city."

By striking out the word "of" after the word "deprived" in line 54 on page 2 and inserting in lieu thereof the word "from."

That the word "to" be inserted after the word "apply" in line 85 on page 3 of the printed bill.

That the word "to" be inserted after the word "applicable" in line 87 on page 3 of the printed bill.

An that House Bill No. 1, as amended, be commended for concurrence.

HUSBAND, Chairman.

Report adopted.

The Committee on Engrossed Bills submitted the following report:

Mr. President: We, your Committee on Engrossed Bills, to whom was referred Senate Substitute for Senate Bill No. 1, Senate Bill No. 3 and Senate Joint Resolution No. 1, beg leave to report same back correctly engrossed.

MacGILVRA, Chairman.

Report adopted.

The Committee on Enrolled Bills submitted the following report:

Mr. President: We, your Committee on Enrolled Bills, to whom was referred Senate Bills Nos. 4 and 5, beg leave to report same back correctly enrolled and duly verified.

CLARKE, Chairman.

Report adopted.

REPORTS OF SELECT COMMITTEES

The Special Committee, appointed to investigate the matter of buildings requested on the program for recovery from the depression by the N. I. R. A., submitted the following report:

Mr. President: It has been necessary for this Committee, in order to give the members of this Senate an idea as to whether the requests of the various units of our state system of education and other institutions should be granted, to go over a great deal of ground that might possibly seem unnecessary. But we felt it our duty to investigate thoroughly the way in which past appropriations have been expended, also to determine

to some degree of accuracy the need of any further buildings for any purpose, without actually making a trip to the various units. We have been forced to rely, to a great extent, upon the figures and remarks found in the State Accountant's office, from examination that he has made from time to time.

Taken generally it would seem that in as far as the Educational Units are concerned, expenditures have been made at various times with small regard to recommendations made by the legislature at the time of making the appropriation.

MONTANA STATE COLLEGE

We understand that the plans are to erect a Student Union Building at Bozeman, paid for out of fees to be collected from the students. We wish to point out that at the present time such a mass of fees are collected from the students that any additional one adds very materially to the cost of education for each particular child. At the present time it is working a hardship on the students.

The following are the student fees of the Montana State College:

FEEES

Payable once:

Matriculation Fee (at first registration)	\$ 5.00
Diploma Fee (before graduation for under-graduate degree).....	5.00
Diploma and Thesis Fee (for graduate degree)	10.00

Payable annually:

Associated Student Fee (Students entering winter quarter pay \$15.70; Spring quarter \$9.35)	21.00
General Deposit (portion not used refunded)	10.00

Payable quarterly:

Registration Fee	5.00
Incidental Fee	10.00
Hospital Fee	2.50

Payable in certain cases:

Late Registration Fee	2.00
Removing Condition Fee	2.00
Limited Registration Fee for Mature Adults (payable quarterly by students registering for not more than two courses or five credits)	5.00
Listener's Fee (payable quarterly by special students who register only as listeners) per course per quarter	2.00
Fee for changing enrollment, 2nd week per quarter	1.00
Fee for changing enrollment, after 2nd week of quarter	2.00
Transcripts of Record (after first), each	1.00
Teacher Placement Fee	5.00
Engineering Placement Fee	5.00

Music Students Pay the Following Quarterly Fees:

Piano, violin or voice, one forty-five minute lesson per week	18.00
Piano rent, one hour per day	3.00
Ensemble Direction and Glee Club (Music 301 or 302)	5.00
Piano rent, each additional hour per day	3.00
Ensemble Direction of Orchestra (Music 303 or 304)	5.00
Ensemble Direction of Band (Music 305 or 306)	5.00
Sight Singing, Ear Training (Music 307 or 308 or 309)	5.00
Elementary Harmony and Theory (Music 310 or 311 or 312)	5.00

This unit has assembly room, gymnasium and halls at the present time. We understand that at the present time the Department of Education plans on buying another city block to put this building on, while they

have already over twenty blocks at the campus, in fact they have more land than they can water now. They have taken an option on twenty-two lots block 13 to the City of Bozeman for tax deed in Gallatin county for \$600.00 and also on a house and two lots for \$3000.00 from Houseman & McCall. Mr. McCall has been registrar of the college for several years.

The Student Body is expected to pledge themselves to pay \$6.00 per year to aid in paying for this building. We understand that if a student refuses to pay any of these fees he is not allowed to enter this college. We can not conscientiously recommend any further building be built at Bozeman with payments to be collected from the students.

From the report of the State Accountant to the State Board of Examiners on this unit we find the following:

The pay roll carries the name of Mrs. Una B. Herrick for \$100.00 as "Vocational Guidance Advisor." Mrs. Herrick, for many years prior to September 1, 1930, was Dean of Women at the College. The pay roll of 1931 shows that she received \$300.00 per month. The pay rolls for the year September 1, 1931 to September 1, 1932 give the information that Mrs. Herrick was on leave of absence at a salary of \$150.00 per month. Since September 1, 1932 to the present time, the pay rolls show Mrs. Herrick lives in California. The minutes of the Board of Education reveal that her appointment was authorized, but we are unable to determine the nature of her work.

Recommendation

We recommend that the disbursing board of the Montana State College be required to desist in making further monthly payments or any payment to Mrs. Una B. Herrick until she is engaged in active service, and that the State Board of Examiners govern themselves accordingly.

Claim No. 26070 in the sum of \$1,175.50 was paid to R. A. Cooley as of July, 1932, for rent of his residence in connection with the House Economics Department. The house in question is in reality being purchased by the state on deferred payment contract, even though no mention is made of such a contract on the claim. No equity is set up for the amount that has been paid.

Missoula

The Board of Education contemplates expenditures of \$300,000.00 for a Student Union Building at Missoula. The cost of which will also be collected from the students. We note that it is claimed that they already have accumulated funds to the amount of \$50,000.00 but there is great doubt in our minds as to whether these funds could be made available at this time to help build this building.

Several years ago they wanted the state to purchase nine or ten acres of land just north of the heating plant but later bought it with students money. The state has paid rent for every year because they cultivated it and raised some trees on it. The state is paying \$1800.00 rent at the present time, perhaps if they build the union building the state may be charged for using it under the disguise that the state does not own it.

Corbin Hall, at Missoula was built by making students live at the dormitory then charging plenty in order to pay off a debt of nearly \$60,000.00 which was profit made on 300 students in five years, and for this purpose now they want to exploit them for new adventures.

We believe that some of the present buildings should be used for purposes for which this new building is proposed to be built. We do not have as many students now as in the past and even during the high peak of at-

tendance at Missoula we found room to accomodate most of the high school students when the Missoula High School burned. Union Buildings and Dormitories and any other buildings built on state property are after all owned and operated by the state and debts incurred are moral obligations at least to be paid by the state.

To build buildings for rent or to live in or under any other disguise does not alter obligations.

We respectfully quote the Constitution of the State of Montana, Section 35: No appropriation shall be made for charitable, industrial, educational or benevolent purposes to any person, corporation or community not under the absolute control of the state, nor to any denominational or sectarian institution or association.

Eastern Montana Normal School

We feel that if the matter of erecting buildings at Eastern Montana Normal School could be accomplished without any additional fees being placed on students, the question would be worthy of consideration.

From the catalogue distributed by this school we have taken the following:

Fees

The fees of the Eastern Montana Normal School are: 1st, the matriculation fee of \$5.00, payable when first matriculating in the University of Montana; 2nd, the registration fee of \$5.00 per quarter; 3rd, the incidental fee of \$5.00 per quarter; 4th, the student activity fee of \$5.00 per quarter; 5th, the diploma fee of \$3.00 upon graduation. There are no extra fees except the students are required to furnish their own material in art projects that they desire to keep, and nominal fees are charged for individual instruction in music, the amount varying with the type of instruction.

Living Expenses

The school operates no dormitories, but the citizens of Billings have taken a great interest in providing living quarters for students in their homes with prices ranging from \$28.00 to \$35.00 per month.

Many students are able to find small apartments where they do their own housekeeping with probably lower rates than these. During the past three years students have had no difficulty in finding suitable accommodations and have ammalgated into the life of the town in a way that will be valuable to them in their teaching experience.

Northern Montana School

While we understand the Northern Montana School does not contemplate building any additional unit at present we submit the following taken from the report of the State Accountant to the State Board of Examiners as of August 31st, 1933, just to show the way in which funds are being handled. The criticism below applies to the rest of the institutions:

Under General Remarks we find the following: The twenty-second session allotted \$232,500.00 for the purpose of an Administration and Instructional Building. After the Supreme Court decided that the bonds were unconstitutional, a contract was let for the remodeling of a small building which was a part of the gift. This contract was for remodeling the building and adding a second story at a cost of \$11,781.00 which was paid from the appropriation. The final cost to June 30, 1933, was \$12,663.35. This building was occupied during this last year. A new building known as Pershing hall was started this past spring, for which the state has paid so far, \$3,021.12. This building has been built by relief labor and the materials, except that noted under Schedule "I", are from salvaged buildings at Fort Assiniboine. The building is not yet finished hence the complete

cost cannot be given. The question arises, "can institutions use the appropriations for the erection of buildings when not so specified in the appropriation bill?" The legislature appropriated a certain amount as capital and repairs for the operation and maintenance of a school. The capital appropriation is necessary for the purpose of buying equipment to carry out the work of the school. If buildings may be built from a blanket appropriation such as House Bill No. 222, it is obvious that no limitation could be made, except the total appropriations even though the title of the bill called for operation and maintenance.

It is also quite true that all the available funds, except the ten per cent required by the Board of Education, were spent for material for the buildings or equipment in furnishing them.

The University group has carried out this policy to the extent that the Millage Fund was overdrawn at the close of business June 30, 1933, \$521,500.00, and teachers are unable to cash their salary warrants at par.

Galen and Warm Springs

In regard to our institution at Warm Springs and Galen, we feel that whatever buildings are needed, should be built. These institutions for some years have been overcrowded and due to the unconstitutionality of the appropriation bill a few years ago, they were not able to build at that time.

This concludes our report. We have tried to give the Senate an idea of the subject that we were appointed to report on.

Our information has been secured by figures and statements taken from the records of the State Accountant and can all be verified at his office.

CLIFFORD,
CARROLL,
BURR,
HOLTON,
STAGGS.

Report adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 9, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion of Besancon, H. B. No. 5 was referred to Committee on Revenue and Taxation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 9, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee report was this day made and, upon motion, adopted:

Committee on Revenue and Taxation, H. B. No. 5 do not pass, but Substitute H. B. No. 5 do pass.

Substitute H. B. No. 5. A bill for an Act entitled: "An Act to amend Section 2 of Chapter 65, of the Eighteenth Legislative Assembly of 1923, and Section 3, of Chapter 65 of the Eighteenth Legislative Assembly of 1923 as amended by Chapter 141, of the Twentieth Legislative Assembly of 1927,

relating to tax on direct and collateral inheritances, bequests and devises; to provide for its assessment, collection and distribution; and to provide funds for the support and relief of the needy and for their employment." Committee on Revenue and Taxation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 9, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on general orders, do report that we recommend: H. B. No. 19, consideration passed for the day. H. B. No. 26, consideration passed for the day.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 9, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Notice of Introduction of Bill was this day received:

By Moss: A bill for an Act entitled: "An Act to amend Section 97 of Chapter 105 of the Montana Session Laws of 1933 (the State Liquor Control Act) relating to the apportionment and distribution of the net profits obtained from the operation of such Act, and providing that such net profits be allocated to the counties of the state as emergency relief funds."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 9, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day introduced, read first and second times and referred to committees:

H. B. No. 32, by Committee on Appropriations. A bill for an Act entitled: "An Act directing the State Board of Examiners, the State Auditor and the State Treasurer to transfer certain sums from and to certain accounts in the funds appropriated for the Veterans' Welfare Commission for the biennium ending June 30, 1935, for the purpose of enabling said commission to maintain its efficiency and to properly handle the claims of disabled ex-service men for compensation under Acts of Congress." Committee on Appropriations.

House Bill No. 33, introduced by Roll: A bill for an Act entitled: "An Act providing for consolidation of school districts; providing for transportation; providing for officers and providing certain districts shall not receive aid from the county or state equalization fund." Referred to Committee on Education.

House Bill No. 34, introduced by McDermott: A bill for an Act entitled: "An Act regulating the hours of labor of drivers and attendants of motor busses, and motor trucks in the State of Montana; defining the term 'attendant' and fixing penalties for the violation of the provisions of this Act." Referred to Committee on Highways.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 9, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following notice of introduction of bill was this day received:

By Fitzstephens. A bill for an Act entitled: "An Act to amend Section 9429 of the Revised Codes of Montana, 1921, as amended by Chapter 3 of the Session Laws of the Twenty-third Legislative Assembly, relating to exemption of earnings of judgment debtors."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 10, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following resolution was introduced and referred to the Committee on Rules:

Whereas, this Extraordinary Session of the Legislature was called for the major purpose of affording relief, amending the liquor law, getting new revenues, setting up agencies for controlling irrigation projects and some minor corrections of the laws of the 1933 session.

And whereas, amply time has been afforded for considering and acting upon these subjects;

And whereas, we should consider economy and efficiency;

Therefore, be it resolved, that no bills, except for expenses of State Government, shall be introduced after Thursday, December 14, except by unanimous consent;

And be it further resolved, that all committees be directed and urged to take prompt action on bills under their consideration and to promptly bring them before the House.

MARSHALL,
NELSTEAD,
FREED,
WATSON of Missoula.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 10, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee report was this day made and upon motion adopted:

Committee on Appropriations, H. B. No. 31, be amended as follows: In Section 3 on line 29 after the word "shall" insert the word "not" and strike out the word "invalidity" and insert the word "validity" and as amended, recommend that bill be printed and placed on General Orders without recommendation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 10, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had

under consideration, business on general orders, do report that we recommend: H. B. No. 25 do pass as amended, H. B. No. 19 do pass as amended, H. B. No. 26 do pass as amended.

Respectfully,
JOHN J. JEWELL,
Chief Clerk.

December 10, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration, business on general orders, do report that we recommend: Substitute H. B. No. 6 do pass as amended.

Respectfully,
JOHN J. JEWELL,
Chief Clerk.

December 10, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day introduced, read first and second times and referred to committee:

H. B. No. 25, by Fitzstephens. A bill for an Act entitled: "An Act to amend Section 9429 of the Revised Codes of Montana, 1921, as amended by Chapter 3 of the Session Laws of the Twenty-third Legislative Assembly, relating to exemption of earnings of judgment debtors." Committee on Judiciary.

Respectfully,
JOHN J. JEWELL,
Chief Clerk.

The President signed in open session: Senate Bill No. 4, Senate Bill No. 5.

INTRODUCTION OF BILLS

With unanimous consent the following Senate Joint Resolution was introduced without previous notice having been given, read first and second times, and referred:

S. J. R. No. 2. Introduced by Kalberg, Carey and Ruffcorn. A Joint Resolution requesting Honorable Harold L. Ickes, Public Works Administrator to allot funds for the construction of a highway leading from the town of Circle, in McCone county, Montana, to the Fort Peck Dam. Referred to Committee on Federal Relations.

MOTIONS AND RESOLUTIONS

Moved by Senator Campbell, duly seconded and carried, that House Bill No. 9 be taken from General File and re-referred to the Judiciary Committee.

Moved by Senator Campbell, duly seconded and carried, that House Bill No. 22 be taken from General File and referred to the Committee on Banks and Banking.

The following motion was submitted:

Mr. President: We, the undersigned, jointly move that the Senate decline to receive for consideration any resolution, memorial or bill from the House of Representatives after Friday, December 15th, 1933, except those resolutions, memorials or bills which may have been referred to a joint conference committee on or before December 15th, 1933.

HUSBAND,
CORWIN,
SIMMONS.

The President referred the foregoing motion to the Committee on Rules.

Moved by Senator Plank, duly seconded and carried, that the Senate Committee amendment to House Bill No. 1 be typewritten and placed on the desks of the members of the Senate.

With unanimous consent, the Senate reverted to:

INTRODUCTION OF BILLS

With unanimous consent the following Senate Joint Resolution was introduced without previous notice having been given, read first and second times, and referred:

S. J. R. No. 3. Introduced by Kelsey, Holton, Ruffcorn, and Carey. Commending the Honorable Franklin D. Roosevelt for his leadership in the national emergency. Referred to Committee on Federal Relations.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendments section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Jergensen in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That S. B. No. 6 be amended in Section one by adding in line 3 after the word "other" the word "construction"; and, as so amended, recommend that said S. B. No. 6 do pass.

That S. B. No. 7 be passed temporarily.

That S. B. No. 8 be amended in Section one by adding in line 11 after the word "territory" the following: "and reserving further to the said state and its inhabitants, citizens, and non-residents to fish or hunt by boat or otherwise, and the right of access, ingress and egress to and through said ceded territory to all persons owning or controlling livestock for the purpose of watering the same"; and, as amended, recommend that said S. B. No. 8 do pass.

That H. B. No. 3 be amended in Section 1, line two (2) after the word "school" by inserting the words and figures "at a cost not to exceed Two Hundred Fifty Thousand Dollars (\$250,000); and, as so amended, recommend that said H. B. No. 3 be concurred in.

That S. B. No. 7 be amended in Section 1 by striking out all the words in lines 15, 16 and 17 beginning with the word "provided" and inserting in lieu thereof in line 7 after the word "provided," the following words: "upon application for registration or re-registration of motor vehicles upon which license has not been paid prior to January 1st, 1934."

That S. B. No. 7 be amended in Section 1 by adding the following sentence after the word "vehicle" in line 15: "Provided that no application for registration or re-registration of any motor vehicle hereafter need be verified."; and, as so amended, recommend that said S. B. No. 7 do pass.

JERGENSEN, Chairman.

Upon motion of Senator Jergensen, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Bills Nos. 9 and 10, and S. J. M. Nos. 3 and 4, beg leave to report that the same have this date been returned from the printer correctly printed.

ARMSTRONG.

Report adopted.

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, passed, title and history agreed to, and the bills are herewith transmitted to the Senate for its concurrence: H. B. No. 6, H. B. No. 19, H. B. No. 25, H. B. No. 26.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bills were introduced, read first and second times, and referred:

Substitute for H. B. No. 6. Introduced by Groene and Committee on Revenue and Taxation. A bill for an Act entitled: "An Act to permit the amortization of delinquent taxes on real estate, and certain personal property; providing the terms and conditions thereof; providing for the creation of a tax amortization fund and the disposition thereof and repeal of Acts and parts of Acts in conflict therewith." Referred to Committee on Taxation.

House Bill No. 19, introduced by Judiciary: A bill for an Act entitled: "An Act to provide emergency relief by employment by authorizing counties, cities, towns, rural improvement districts, school districts and any other political subdivisions, or any other government agencies of the state to make loans, convey lands, accept grants from the President of the United States and from the State of Montana, to borrow money and to enter into contracts and arrangements for the construction of public works." Referred to Committee on Judiciary.

H. B. No. 25. Introduced by Pilgeram and Rearden of Cascade. A bill for an Act entitled: "An Act to permit Boards of County Commissioners to lease county fair grounds and buildings thereon." Referred to Committee on Counties and Towns.

H. B. No. 26. Introduced by Harlen. A bill for an Act entitled: "An Act to amend Sections 4531, 4532 and 4533 of the Revised Codes of Montana of 1921, amended by Chapter 91, Laws of Montana, 1931, relating to the application of destitute persons seeking relief, the residence of said persons; and providing temporary relief to non-residents." Referred to Judiciary Committee.

Upon motion of Senator Kane, duly seconded and carried, Third Reading of bills was passed for the day.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 5:31 p. m., until 10:00 a. m., Tuesday, December 12, 1933.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

SIXTEENTH DAY

Helena, Montana, December 12, 1933.

Senate convened at 10:00 a. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present except: Thien, excused.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the fifteenth legislative day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF SELECT COMMITTEES

The Select Committee, appointed to draft resolutions on the death of Charles M. Dowlin, submitted the following resolution:

Mr. President: The Senate records with sorrow the death of one of its former most useful and beloved members, the Honorable Charles M. Dowlin.

Stricken while at his home on the morning of October the 13th of this year, the prominent rancher and sheepman of Rosebud county fell dead, a victim of a heart attack.

Senator Dowlin was born July 14, 1882, at Champlin, Minn., being at the time of his death fifty-one years and three months of age. In 1902, when but twenty years of age, Mr. Dowlin moved to Rosebud county, and after following ranch work for some years, established his own ranch in the same county in 1908, where he had been engaged in farming and stockraising ever since.

In 1916 Senator Dowlin married Miss Jeanie Philbrick, a daughter of Freeman Philbrick, prominent stockgrower. Besides his widow, two daughters, Mary Jeanie, aged thirteen and Patricia, twelve, survive. He is also survived by his mother, Mrs. Louisa Dowlin, a sister, Mrs. Susie Miller, both of Champlin, and two brothers, W. E. Dowlin of Billings, and Floyd E. Dowlin of Forsyth, Montana.

Senator Dowlin was a past president of the Montana Stockgrowers Association and during his thirty years residence in Rosebud county had been an active figure in the growth and development of eastern Montana.

His political career as a republican leader in county and state, dates from April 5th, 1919, when he was appointed County Commissioner of Rosebud county, to fill the unexpired term of George S. Warren, of Hysham. This was at the time Treasure county was created. In 1920 he was elected State Representative, and in 1922 first elected to the State Senate, where he served two terms with great credit to himself and to his state.

Fraternally he was a Mason and a Shriner.

While Senator Dowlin will long be remembered because of his fearless leadership in the political life of his county and state, those who had the pleasure of knowing him best will remember him for his whole-hearted good will toward his fellowmen and his unimpeachable loyalty to his friends who were numbered by the hundreds. He was a kind and loving husband and father. No finer heritage can be left by any man. We will miss him but more will he be missed by his neighbors who honored him and by his family who loved and respected him. The sincere sympathy of each member of the Senate is extended to his wife and daughters and to his mother of whom he always spoke with great affection.

Be It Therefore Resolved, that this Memorial on the life and death of our late friend and former brother Senator be spread at length upon the Journal of this Senate, and a copy attested by the secretary, be delivered to his family and his mother.

W. E. CLARKE,
JOHN L. CAMPBELL,
LOUIS P. DONOVAN.

Upon motion of Senator Clarke, duly seconded and unanimously carried by a standing vote, the foregoing resolution was adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 11, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee report was this day made and upon motion adopted: Committee on Appropriations, H. B. No. 32 do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 11, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and upon motion adopted:

Engrossing Committee. H. B. No. 25, H. B. No. 6, H. B. No. 26, and H. B. No. 19, reported correctly engrossed.

Federal Relations Committee, H. J. M. No. 2 do pass.

Federal Relations Committee, H. J. R. No. 3 do pass.

Education Committee, H. B. No. 33, printed and placed on General Orders without recommendation.

Printing Committee, Substitute H. B. No. 5 correctly printed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 11, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day introduced, read first and second times and referred to committee:

House Bill No. 36, introduced by Goodwin: A bill for an Act entitled: "An Act to raise revenue for state, county and municipality by the issuance of liquor, wine and beer stamps, licenses for manufacture, distribution and sale of liquor, wine and beer, or any brewed, malted, fermented and distilled alcoholic and other similar beverages, and for the regulation of sale and distribution of any brewed, malted, fermented and distilled alcoholic and other similar beverages, and for the raising and disposition of revenues therefrom, and providing penalties for the violations of any of its provisions." Committee on Revenue and Taxation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 11, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration, business on general orders, do report that we recommend: H. B. 16 do pass as amended, H. B. 11 enacting clause be stricken, H. B. 24 do pass as amended.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 11, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Speaker this day signed Senate Bills Nos. 4 and 5.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that House Bill No. 1 be taken from Business on General File today and placed on Business on General File for tomorrow.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day, be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Plank in the Chair.
Committee arose.
Senate resumed.
President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That S. B. No. 9 be amended in Section 8 by striking out in line 3 of Section 8 the word "authorized" and inserting in lieu thereof the word "legal"; and, as so amended, recommend that said S. B. No. 9 do pass.

That S. B. No. 10 do pass.

That S. J. M. No. 3 do pass.

That S. J. M. No. 4 do pass.

That H. J. R. No. 1 be concurred in.

PLANK, Chairman.

Upon motion of Senator Plank, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Moved by Senator Kane, duly seconded and unanimously carried, that all bills on Third Reading this day be read by title only and be considered read at length.

With unanimous consent, the Senate reverted to:

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

December 11, 1933.

The President of the Senate,
Senate Chamber,
Helena, Montana.

I have the honor to advise you that I have this day approved the following measures:

S. B. No. 4—Authorizing certain banks and companies to issue non-assessable preferred stock, etc.

S. B. No. 5—Authorizing liquidating agents of closed state banks to borrow money from the Reconstruction Finance Corporation.

F. H. COONEY, Governor.

THIRD READING OF BILLS

Senate Substitute for S. B. No. 1 having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielson, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGivra, Melton, Murphy, Parkin, Pauline, Plank, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Walker, Wass, Wheeler, Willis. Total 51.

Noes: Armstrong, Garber, Page, Plumer. Total 4.

Absent and not voting: Thien.

S. J. R. No. 1, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielson, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Hol-

ton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGivra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Walker, Wass, Wheeler, Willis. Total 55.

Noes: None.

Absent and not voting: Thien.

S. B. No. 3, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Burr, Carey, Carroll, Church, Clarke, Clifford, Cooper, Corwin, Donovan, Duncan, Eaton, Ekegren, Garber, Harris, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Lamp, MacGivra, Murphy, Page, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Walker, Wass, Wheeler, Willis. Total 40.

Noes: Armstrong, Campbell, Coburn, Danielsen, Delaney, Galt, Hennessy, Himsl, Kemmis, Kilduff, Larson, Melton, Parkin, Pauline, Staggs. Total 15.

Absent and not voting: Thien.

H. B. No. 3, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Campbell, Carey, Carroll, Clarke, Clifford, Cooper, Corwin, Delaney, Donovan, Duncan, Eaton, Ekegren, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Lamp, Larson, MacGivra, Murphy, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Walker, Wass. Total 41.

Noes: Armstrong, Burr, Church, Coburn, Danielsen, Galt, Garber, Keeley, Kilduff, Melton, Page, Willis. Total 12.

Absent and not voting: Kemmis, Thien, Wheeler. Total 3.

H. J. R. No. 2, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kilduff, Lamp, Larson, MacGivra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Walker, Wass, Wheeler, Willis. Total 54.

Noes: None.

Absent and not voting: Kemmis, Thien. Total 2.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 10:48 a. m., until 2:00 p. m.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:00 p. m.

President presiding.

REPORTS OF STANDING COMMITTEES

The Committee on Federal Relations submitted the following reports:

Mr. President: We, your Committee on Federal Relations, having had under consideration Senate Joint Resolution No. 2, introduced by Kalberg, Carey, and Ruffcorn, respectfully report as follows: That Senate Joint Resolution No. 2 do pass.

EKEGREN, Chairman.

Report adopted.

Mr. President: We, your Committee on Federal Relations, having had under consideration Senate Joint Resolution No. 3, introduced by Kelsey, Holton, Ruffcorn and Carey, respectfully report as follows: That Senate Joint Resolution No. 3 be reported out without recommendation.

EKEGREN, Chairman.

Report adopted.

Moved by Senator Armstrong, duly seconded and carried, that Senate Joint Resolution No. 3 be printed and placed on General File for consideration.

The Committee on Rules submitted the following reports:

Mr. President: We, your Committee on Rules, having had under consideration the following motion:

“Mr. President: We, the undersigned, jointly move that the Senate decline to receive for consideration any resolution, memorial or bill from the House of Representatives after Friday, December 15th, 1933, except those resolutions, memorials or bills which may have been referred to a joint conference committee on or before December 15th, 1933. Signed: Husband, Corwin, Simmons.”

Respectfully report as follows: That the foregoing amendment to the rules be not adopted but that for the duration of this Extraordinary Session only Section 2 of Rule 40 be amended to read as follows:

“Section 2, Rule 40. No bills other than substitute bills for bills then pending shall be introduced after the Eighteenth Legislative Day, except upon a two-thirds majority vote of the Senate.”

KANE, Chairman.

Report adopted.

Mr. President: We, your Committee on Rules, respectfully report as follows: That, by and with the approval of the House of Representatives, Joint Rule No. 23, be amended to read as follows for the duration of this extraordinary session only:

“Joint Rule No. 23. Transmission of Bills. No bills transmitted by the House to the Senate, nor by the Senate to the House, after the Twenty-second Day of this Extraordinary Session, shall be considered, with the exception of bills considered by a joint conference committee. Bills from said committee may be transmitted at any time up to and including the last day.”

KANE, Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

December 12, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, passed, title and history agreed to, and the bills are herewith transmitted to the Senate for its concurrence: H. B. No. 16, H. B. No. 24.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

With unanimous consent, the following bill was introduced without previous notice having been given, read first and second times, and referred:

S. B. No. 11. Introduced by Walker. A bill for an Act entitled: "An Act to amend Section 1, of Chapter 40, Session Laws of 1933, Montana, relating to expenses of officers and employees of the State of Montana." Referred to Committee on Finance and Claims.

The following bills were introduced, read first and second times, and referred:

House Bill No. 16, introduced by Mulholland: A bill for an Act entitled: "An Act prescribing the hours of labor for persons employed in retail stores; persons employed in delivering goods sold in such stores; persons employed in wholesale warehouses used for supplying retail establishments with goods, and persons employed in delivering goods to retail establishments from such wholesale warehouses, and providing penalties for a violation thereof." Referred to Committee on Labor and Capital.

H. B. No. 24. Introduced by Groene. A bill for an Act entitled: "An Act reducing the rate of interest from and after March 1, 1934, on delinquent taxes and assessments and repealing all Acts and parts of Acts in conflict therewith." Referred to Judiciary Committee.

NOTICES

The following notice of introduction of bill was received and read:

Mr. President: I hereby give notice that I will on tomorrow or some subsequent day, introduce a bill entitled:

"An Act providing for certain exemptions by judgment debtors from the levies of executions or attachments."

CLIFFORD.

REPORTS OF STANDING COMMITTEES

The Committee on Engrossed Bills submitted the following report:

Mr. President: We, your Committee on Engrossed Bills to whom was referred Senate Bill Nos. 6, 7 and 8, beg leave to report same back correctly engrossed.

MacGILVRA, Chairman.

Report adopted.

Moved by Senator Kane, duly seconded and carried, that Third Reading of Bills be passed.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 2:14 p. m., until 10:00 a. m., Wednesday, December 13, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

SEVENTEENTH DAY

Helena, Montana, December 13, 1933.

Senate convened at 10:00 a. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Sixteenth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on Engrossed Bills submitted the following report:

Mr. President: We, your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 9 and 10, and Senate Joint Memorials Nos. 3 and 4, beg leave to report same back correctly engrossed.

MacGILVRA, Chairman.

Report adopted.

The Committee on Agriculture submitted the following report:

Mr. President: We, your Committee on Agriculture, having had under consideration House Bill No. 23, introduced by Parker, respectfully report as follows: That House Bill No. 23 be concurred in.

KEMMIS, Chairman.

Report adopted.

INTRODUCTION OF BILLS

The following bill was introduced, read first and second times, and referred:

S. B. No. 12. Introduced by Clifford. A bill for an Act entitled: "An Act providing for certain exemptions by judgment debtors from the levies of executions or attachments." Referred to Judiciary Committee.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 10:06 a. m., until 2:30 p. m.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:30 p. m.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Labor and Capital submitted the following report:

Mr. President: We, your Committee on Labor and Capital, having had under consideration House Bill No. 16, respectfully report as follows:

That House Bill No. 16 be amended by inserting in line 11 after the word "of" and before the word "not", in the engrossed bill the words and figure as follows, to-wit: "eight (8) hours shall constitute a day's work and a period of".

And that said House Bill No. 16 be further amended by striking out all of Section 3 thereof of the engrossed bill, and inserting in lieu of Section 3, the following, to-wit:

"Section 3. The provisions of this Act shall not apply to registered pharmacitsts or assistant pharmacists."

And that said House Bill No. 16, as so amended, be concurred in.

SIMMONS, Chairman.

Report adopted.

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Joint Resolutions Nos. 2 and 3, beg leave to report that the same have this date been returned from the printer correctly printed.

GALT, Chairman.

Report adopted.

REPORTS OF SELECT COMMITTEES

The Special Joint Committee on Federal, state and local relief submitted the following report:

Mr. President: We, your Special Joint Committee on Relief appointed to investigate matters pertaining to relief administration in the state as requested in Senate Resolution adopted December 1st, 1933, beg leave to report as follows:

1st. The amount of moneys expended for relief since Federal Emergency Relief was instituted.

2nd. Cost of state and Federal administration of relief and how money has been expended.

3rd. The number of persons on relief in each county, and the number of unemployed on the lists in each county during the period which has elapsed.

4th. The estimated amount of money necessary to meet relief in each county from December 1, 1933 to December 31, 1934.

5th. Amount of Federal, state and county money available by counties for relief during 1934.

The information contained in the attached exhibit was furnished by relief administrator, T. C. Spaulding and members of his staff.

CIVIL WORKS

Mr. Spaulding informed us that 13,500 men had been taken from relief rolls and placed in gainful occupation by the Civil Works Program. This work will terminate February 15th since on that date the present appropriation of \$400,000,000.00 allocated for this work in the United States will have been expended.

PUBLIC WORKS

Mr. D. A. McKinnon, Engineer of Public Works, informed the committee that \$8,737,843.76 in projects had been approved by his office and that of this amount \$3,400,000.00 has been allocated to projects that will give employment to 3,000, for a period of ten months. This, however, does not include the Fort Peck dam and the \$5,000,000.00 for irrigation referred to by the Governor in his call.

The Fort Peck Project will give employment to 6,500 men.

RELIEF NEEDS

Your committee is advised by the Director of Relief that it is now absolutely necessary for the State of Montana to appropriate money for relief in order to receive grants from the Federal Government on a matched basis.

The Federal Act provides that:

"Each state shall be entitled to receive grants equal to one-third of the amount expended by such state, including the civil sub-division thereof, out of public moneys from all sources."

The amount needed as estimated by the Governor and relief director for the calendar year of 1934 is from state funds \$1,500,000.00 and from the County Poor Funds \$875,000.00.

Your committee however believes that with a 5.54 (average) mill levy for county poor in 1933 and 1934 as against 3.37 (average) mills in 1932 and 1933 this amount may reach \$1,200,000.00 and by this difference would reduce the necessity for state expenditures. Funds are however matchable by county expenditures (1) where county road and bridge funds are used to provide employment for men on relief rolls; (2) county general fund expenditures where used to provide employment for persons on relief rolls; (3) other county funds—fair, gopher, insect pest, weed, etc., when used to employ men on relief rolls on work that ordinarily would not be done; (4) city and town funds can in part become eligible where work done is for relief employment and under ordinary circumstances would not be done.

HIGHWAYS FUND

Your committee endeavored to obtain an estimate of the amount of work anticipated by the Highway Commission for 1934.

We find that the Federal Government allocated to Montana \$7,440,000.00 for roads, 50% of which is to be used for further construction of 7% system outside of municipalities, 25% for construction of 7% system within municipalities, and 25% for the construction of secondary or feeder highways.

This money is in addition to our state gasoline tax, money to be derived from the sale of debentures and so forth will aggregate \$10,000,000.00 of which approximately \$4,500,000.00 is under contract. It is anticipated that the entire amount will be under contract by April 1st, 1934.

Your committee believes that the Highway Commission should have proceeded more speedily than it has and that it should have caused the work on secondary and feeder roads to proceed under a force account system, as authorized by the Federal Government on September 29th, 1933. We believe that it is not a question of doing this work as economically as it could be done with larger and more modern machinery, but it is a question of effectively employing men and teams now unemployed and in distress. We recommend that the Governor direct the Highway Commission to proceed with construction by force account of secondary and feeder roads immediately and to utilize all funds now set aside for this purpose.

Your committee heard complaints in regard to the administration of relief in the counties of Cascade, Yellowstone and Silver Bow. The evidence submitted in connection with complaints from Cascade county was not of such a character as to enable your committee to form any conclusion in regard to the merit of the complaint and the committee is unable to make any finding thereon.

The complaints made by the Yellowstone Labor Union against the administration of relief in Yellowstone county were of such a character that they could not be fully investigated by your committee within the

time allowed for making its report. Your committee, therefore, makes no findings of facts in regard to these complaints but recommends that the Governor appoint a special committee to make a full and adequate investigation of these complaints.

Information submitted to your committee showed without dispute that in the administration of relief in Silver Bow County certain applicants, who were otherwise entitled to relief, were denied relief by the local board upon the ground that the applicants were members of the Communist Party. A member of the Silver Bow County Board, declared before your committee that it was the policy of the board to deny relief to applicants who were found to be members of the Communist Party. Your committee is informed that the Communistic Party is a duly organized political party whose candidates have appeared upon state and national tickets in recent elections and your committee is of the opinion that no relief board has any lawful right to refuse relief to any applicant upon the ground of membership in that party. The conduct of Silver Bow County Relief Board should, therefore, be censured and disapproved and the committee recommends that the Governor take such action as may be necessary to prevent continuation of the practice of refusing applicants relief on account of their political affiliations.

KEMMIS, Chairman.
ROWLAND,
SPARLING
DONOVAN,
COOPER.

Senate Committee.

McCARVEL, Chairman.
HAGERTY,
SPARLING,
SHANNON.
FOWLER,

House Committee.

Report adopted.

Moved by Senator Kemmis, duly seconded and carried, that the Montana State Relief Commission statements, appended to the foregoing report of the Special Joint Committee on Federal, State and Local Relief, be omitted from the report.

(The statements of the Montana State Relief Commission, appended to the report of the Special Joint Committee on Federal, state and local relief, are on file with original data of the Journal.)

MESSAGES FROM THE GOVERNOR

The following communications from the Governor were received and read:

December 13, 1933.

The President of the Senate,
Senate Chamber,
Helena, Montana.

It has been demonstrated that a change in the existing law fixing a license fee for the sale of cigarettes is desirable. The present law is contained in Section 2435 of the Revised Codes, which Section also imposes a license fee for the sale of oleomargarine, butterine, etc., and license fee for warehouses maintained by railroads.

I am advised that that portion of the law which relates to a license for the selling of oleomargarine, etc., has been impliedly repealed by subsequent legislation and is not at present in force as a law on that subject.

It is urged that the license fee for cigarette selling should be reduced to \$2.50 per annum, and in the preparation of a proposed bill dealing with the subject it has been found necessary to enact a new statute in relation to cigarettes and to amend Section 2435 by removing therefrom the first and second paragraphs which concern oleomargarine, etc., and cigarettes, and to leave only that portion of the statute which relates to license or warehouses operated by railways.

This question is submitted for your consideration with the recommendation that the suggested changes in the present law be made.

INHERITANCE TAX APPRAISERS

Under the terms of our present inheritance tax law the duty of appointing special appraisers in inheritance tax cases devolves upon judges of the district court, this being the provision of Section 13 of Chapter 65, Laws of 1933, as amended. Inasmuch as inheritance taxes are payable to the state and not to the counties, it seems to me that the function of appointing appraisers should be one for the state rather than for the county.

I therefore recommend that this Extraordinary Session enact such legislation as will provide that the Governor shall, upon the application of any interested party, including the State Board of Equalization, appoint a competent person as special appraiser in an inheritance tax matter.

F. H. COONEY, Governor.

December 13, 1933.

The President of the Senate,
Senate Chamber,
Helena, Montana.

At the Regular Session of this Assembly an appropriation in the sum of Two Thousand Dollars (\$2,000) annually was made for salaries and expenses of the State Horticultural Inspectors, in addition to fees derived from the enforcement of the wholesale dealers' license law. This appropriation is now exhausted and the fees are inadequate for the continuance of the service.

Since last May stations have been maintained at seven ports of entry, with two inspectors at each station, thus furnishing the necessary day and night service. In addition to their departmental duties these inspectors have rendered valuable services for other departments of the state, without charge, with one exception. They have collected the tax on excess gasoline carried by incoming trucks and have compelled all such trucks to secure Montana licenses, and have thus brought into the state thousands of dollars that would not otherwise have been collected. They have assisted counties by acting as deputy sheriffs under proper appointment and have represented the State Board of Health in helping to bar diseased fruits unfit for consumption. They have weighed all loads for the State Highway Commission and have acted as deputy livestock inspectors.

Figures of the Horticultural Division show that in four months of 1932 out-of-state trucks brought into Montana fruits and vegetables aggregating 453 carload lots. In the corresponding four months of 1933 such trucks brought in 333 carloads less, the decrease being due entirely to the activities of the Horticulture Inspectors.

With such a showing of accomplishment for the good of the state it seems unnecessary to argue that the continuance of the service is necessary. To discontinue it would result in heavy financial loss to the state. The public good and welfare demand that the stations at ports of entry be maintained. To do this a modest additional appropriation is necessary.

I therefore submit the matter to this Extraordinary Session with the recommendation that you appropriate the sum of \$3,500.00 for the period ending June 30, 1934, and \$3,500.00 for the year from July 1, 1934, to June 30, 1935.

F. H. COONEY, Governor.

The President signed in open session: House Bill No. 8.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 12, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee report was this day made and, upon motion, adopted:

Committee on Affairs of Cities, H. B. No. 29 do pass as amended.

Committee on Highways, H. B. No. 34 do pass as amended.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 12, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and, upon motion, adopted:

Committee on Engrossing, H. B. No. 16 and 24 correctly engrossed.

Committee on Printing, H. B. No. 31, correctly printed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 12, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee report was this day made and, upon motion, adopted:

Committee on Printing, H. B. No. 32, reported correctly printed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 12, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and upon motion adopted:

Committee on Printing, H. B. No. 33 reported correctly printed.

Committee on Printing, H. J. M. No. 2 reported correctly printed.

Committee on State Institutions, Public Buildings and Grounds, H. B. No. 17 do not pass, but that Substitute House Bill No. 17, introduced by Committee on State Institutions, Public Buildings and Grounds entitled: A bill for an Act entitled: "An Act to authorize the construction of a building or buildings for the State Insane Asylum at Warm Springs, Montana; to provide for the issuance of revenue bonds for the payment there-

of; to provide that such bonds shall not constitute or be a debt, liability or obligation of the state but shall be secured only by the rents or income of the buildings; to provide for the registration of such bonds; to provide for trust indenture and trustee for said bonds; to provide for the creation of a sinking fund and to define its purposes; to empower the State Board of Examiners to enter into all contracts and agreements necessary or incidental to the execution of its powers under this Act; to provide remedies of bondholders; and declaring an emergency." Do pass.

Committee on State Institutions, Public Buildings and Grounds, H. B. No. 18 do not pass, but that Substitute House Bill No. 18, entitled: A bill for an Act entitled: "An Act to authorize the construction of a building or buildings for the Montana State Tuberculosis Sanitarium; to provide for the issuance of revenue bonds for the payment thereof; to provide that such bonds shall not constitute or be a debt, liability or obligation of the state but shall be secured only by the rents or income of the buildings; to provide for the registration of such bonds; to provide for trust indenture and trustee for said bonds; to provide for the creation of a sinking fund and to define its purposes; to empower the State Board of Examiners to enter into all contract and agreements necessary or incidental to the execution of its powers under this Act; to provide remedies of bondholders; and declaring an emergency." Do pass.

Committee on Livestock and Public Ranges, House Joint Memorial No. 1. do not pass, but that Substitute House Joint Memorial No. 1 entitled: "A Memorial to the Congress of the United States of America requesting the purchase of Montana cattle for distribution to workers on federal projects and for the relief of the destitute in the State of Montana." Do pass, and that it be considered printed correctly and placed on General Orders.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 12, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following House Joint Memorial was this day introduced, read first and second time and referred to committee:

H. J. M. No. 4, by Daugherty, O'Shea, Kuhl, Pilgeram, Chapman, Schuster, O'Connell, Ragen, Hilger, Mason, Wass, Haight, Ueland, Parker (Broadwater), Fowler, Lott, Love, Balgord, Rolph, Kruse, Lewis, Stevens, Whaley (McCone), Byrne, Green (Dawson), Beadle. "A Memorial to the President of the United States and Congress of the United States relating to the condition of agriculture within the United States."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 12, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day introduced, read first and second time and referred to committee:

Substitute S. B. No. 1, by Committee on Counties and Towns, referred to Committee on Townships and Counties.

S. B. No. 3, referred to Judiciary Committee.

S. J. R. No. 1, referred to Federal Relations Committee.

H. B. No. 37, referred to Judiciary Committee.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 12, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on general orders, do report and recommend: Substitute H. B. No. 5 do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 12, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend: H. B. No. 31 be temporarily passed. Senate Amendments to H. B. No. 3 be concurred in. Senate Amendments to H. J. R. No. 2 be not concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 12, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Notice of Introduction of Bill was this day received:

By Stevens (Wheatland) Miller (Big Horn). A bill for an Act entitled: "An Act reducing the penalty on delinquent taxes from and after March 1st, 1934, and repealing all Acts and parts of Acts in conflict herewith."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 12, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following motion by Besancon was duly adopted:

"I move that the House decline to transmit to, or receive from the Senate for consideration any resolution, memorial or bill after Tuesday December 19, 1933, except those resolutions, memorials or bills which may have been referred to a joint conference committee on or before such date."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

MOTIONS AND RESOLUTIONS

Moved by Senator Burr, duly seconded and carried, that Senate Bill No. 8 be taken from Third Reading of Bills and referred to the Judiciary Committee.

Moved by Senator Kemmis, duly seconded and carried, that Senate Joint Memorial No. 4 be taken from Third Reading of Bills today and placed on Third Reading of Bills for tomorrow.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only and be considered read at length.

The following resolution was submitted:

SENATE RESOLUTION NO. 1

Introduced by Carroll, Husband, Clarke, Thien, Harris.

A Resolution urging the speedy construction of the highway between Lavina and Forsyth.

Whereas, the portion of the 7% highway system between Lavina and Forsyth forms a most important part of the entire plan; and

Whereas, this part of the system lies about equally in financial districts Number 11 and Number 12, yet practically all of the system in each of these districts is complete except this; and

Whereas, the construction of the Deep Creek Canyon road by the Forest Reserve Agency of the Federal Government soon will be completed, thus forming a direct route eastward into a large number of our counties from the state capitol, not served by direct railroad communication; and

Whereas, the missing link between Lavina and Forsyth is necessary to give this route its complete and adequate value; and

Whereas, this part of the highway plan is a vital part of the system necessary to bring to Montana the tourist travel with its attendant profits and benefits, which the state would and could enjoy; and

Whereas, it also will become, when completed, an immensely valuable route for travel and transportation, for the citizens of the adjoining counties, adding greatly to the productive wealth of the state; and

Whereas, there are a large number of workers in the vicinity of the proposed work, who are now victims of technological unemployment which will be relieved to a great extent if contracts are let along this line; and

Whereas, times of improved crop and employment conditions may reverse the picture so that highway construction may later on be thrown into undesirable competition with local industry;

Now, Therefore, Be It Resolved: That the Highway Commission is urged and requested to complete this highway at the earliest possible time, at the latest, by the end of the season of 1934.

Moved by Senator Carroll, duly seconded and carried, that Senate Resolution No. 1 be referred to the Committee on Roads and Highways.

NOTICES

The following notice of introduction of bill was received and read:

Mr. President: Notice is hereby given that I will on tomorrow or some subsequent day introduce a bill: A bill for an Act entitled, "An Act to amend Section 2235, of the Revised Codes of Montana of 1921, as amended by Chapter 85, Laws of the Twentieth Legislative Assembly as amended by Chapter 162 Laws of the Twenty-first Legislative Assembly, relating to the sale of unredeemed property by County Commissioners."

SPARLING.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Holt in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 1 be concurred in.

That H. B. No. 23 be amended in the title by striking out in line 2 the words and figures "of the Laws of Montana, 1933," and inserting in lieu thereof the words and figures "of the Session Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933."

That H. B. No. 23 be amended in Section 1 by striking out in line 1 of Section 1 the words and figures "of the Laws of Montana, 1933," and inserting in lieu thereof the words and figures "of the Session Laws of the Twenty-third Legislative Assembly of the State of Montana, 1933; and, as so amended, recommend said H. B. No. 23 be concurred in.

HOLT, Chairman.

Upon motion of Senator Hoit, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

With unanimous consent, the Senate reverted to:

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee report was this day made, and upon motion, adopted:

Motion by Besancon relative to amendment to Joint Rule No. 23, respectfully report as follows: That by and with the approval of the Senate Joint Rule No. 23, for the duration of this Extraordinary Session only, be amended to read as follows:

"Joint Rule No. 23. Transmission of Bills. No bills transmitted by the House to the Senate, or by the Senate to the House, after 11:59 p. m., of the 23rd day of this Extraordinary Session, shall be considered, with the exception of bills considered by a Joint Conference Committee. Bills from Conference Committees may be transmitted at any time up to and including the last day of this Extraordinary Session."

"Joint Rule No. 19, however, shall be in full force and applicable as to Rule No. 24."

And that as so amended we recommend that such Rule No. 23, for this Extraordinary Session only, be adopted by the House and the same do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Moved by Senator Kane, duly seconded and carried, that the Senate concur in House amendments to Joint Rule No. 23.

Moved by Senator Kane, duly seconded and carried, that all bills on Third Reading this day be read by title only and be considered read at length.

THIRD READING OF BILLS

S. B. No. 6, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Corwin, Danielsen, Delaney, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: None.

Absent and not voting: Cooper, Donovan. Total 2.

S. B. No. 7, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 55.

Noes: None.

Absent and not voting: Donovan.

S. B. No. 9, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 55.

Noes: None.

Absent and not voting: Donovan.

S. B. No. 10, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 55.

Noes: None.

Absent and not voting: Donovan.

S. J. M. No. 3, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Daniels, Delaney, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 53.

Noes: None.

Absent and not voting: Donovan, Duncan, Keeley. Total 3.

H. J. R. No. 1, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Church, Clarke, Cooper, Corwin, Daniels, Delaney, Ekegren, Garber, Hennessy, Holt, Holton, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Lamp, Melton, Murphy, Page, Parkin, Pauline, Plank, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 40.

Noes: Carroll, Clifford, Coburn, Eaton, Galt, Harris, Himsl, Kemmis, Larson, Plumer. Total 10.

Absent and not voting: Donovan, Duncan, Husband, Keeley, Kilduff, MacGilvra. Total 6.

With unanimous consent, the Senate reverted to:

INTRODUCTION OF BILLS

With unanimous consent the following bill was introduced **without** previous notice having been given, read first and second times, and referred:

S. B. No. 13. Introduced by Church. A bill for an Act entitled. "An Act to amend Chapter 12 of the Session Laws of the Twenty-third Legislative Assembly of the State of Montana, relating to nepotism and prohibiting the practice thereof." Referred to Committee on Public Morals.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 4:19 p. m., until 10:00 a. m., Thursday, December 14, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

EIGHTEENTH DAY

Helena, Montana. December 14, 1933.

Senate convened at 10:00 a. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Seventeenth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

December 14, 1933.

The President of the Senate,
Senate Chamber,
Helena.

In February of this year Mr. Bart C. Dignan, of Great Falls was injured by a fall of plaster from the ceiling of the office of the State Treasurer in the capitol, Mr. Dignan then being employed in the capacity of bond clerk in the Treasurer's office. Because of the injuries sustained Mr. Dignan was compelled to receive hospitalization and treatment by physicians. His bills for hospital and medical attendance totaled \$125.00.

Mr. Dignan is asking that the state reimburse him for the expense of treatment for injuries sustained while in the service of the state. The State Board of Examiners can neither authorize such reimbursement nor certify the claim to the assembly as a deficiency claim, because of the fact that there is no fund from which such a claim might be paid.

I am therefore submitting the case to this Extraordinary Session, with the recommendation that you give it consideration and take such action as to you may seem justified.

F. H. COONEY, Governor.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and, upon motion, adopted:

Engrossing Committee: H. B. No. 31, Substitute H. J. M. No. 1, correctly engrossed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and, upon motion, adopted:

Engrossing Committee, Substitute H. B. No. 5 correctly engrossed. Printing Committee, H. B. No. 29 and Substitute H. J. M. No. 1, correctly printed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and, upon motion, adopted:

Committee on Revenue and Taxation, H. B. No. 41, do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and, upon motion, adopted:

Committee on Irrigation and Water Rights, H. B. No. 39, do pass.

Committee on Agriculture, House Joint Memorial No. 4, do pass.

Committee on Judiciary, H. B. No. 38, be amended, and as amended, do pass.

Committee on Judiciary, H. B. No. 40, be amended, and as amended, do pass.

Committee on Judiciary, H. B. No. 10, be amended, and as amended, do pass.

Committee on Judiciary, Senate Bill No. 3, be concurred in.

Committee on Judiciary, H. B. No. 35, be amended, and as amended, do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and, upon motion, adopted:

Committee on Townships and Counties, H. B. No. 14 do not pass, but Substitute H. B. No. 14, do pass, entitled: A bill for an Act entitled: "An Act to amend Section 571 of the revised codes of the State of Montana of 1921 relating to compensation of County Clerks for furnishing poll books."

Committee on Enrolling, H. B. No. 8 correctly enrolled.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and, upon motion, adopted:

Committee on Townships and Counties, Senate Substitute for Senate Bill No. 1, be amended, and as amended the bill be concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Joint Committee to investigate relief reports and upon motion the report was adopted:

Committee on Ways and Means, designated to investigate: 1. Needs for emergency relief. 2. Needs for general fund. 3. Condition of University Millage Fund., and to make recommendations filed their report and upon motion the same was adopted.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were, without previous notice, this day introduced, read first and second time and referred to committees:

House Bill No. 43, introduced by Revenue and Taxation: A bill for an Act entitled: "An Act directing the creation of unemployment relief fund; defining the purpose thereof; defining the authority of Boards of County Commissioners relative thereto; creating the Montana Unemployment Relief Commission; defining its powers and duties; fixing wages and hours of labor."

House Bill No. 44, introduced by Irrigation and Water Rights Committee: A bill designating the state water conservation board as the State Planning Board and defining its duties.

House Bill No. 45, introduced by Nass, a bill for an Act entitled: "An Act to amend Section 13 of Chapter 65 of the Laws of Montana, 1923, as amended by Section 2 of Chapter 141 of the Laws of Montana, 1927, relating to the appointment of special appraisers of estates."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day introduced, read first and second times and referred to committees:

House Bill No. 41, introduced by Nass and O'Connell: A bill for an Act entitled: "An Act to amend Sections 5, 7, 8 and 10 of Chapter 155, laws of the Twenty-third Legislative Assembly, relating to license fees for opening, establishing, operating or maintaining one or more stores."

House Bill No. 42, introduced by Knowles, a bill for an Act entitled: "An Act to authorize the construction of a building or buildings for the Montana School for Deaf and Blind, at Boulder, Montana; to provide for the issuance of revenue bonds for the payment thereof; to provide that such bonds shall not constitute or be a debt, liability or obligation of the state but shall be secured only by the rents or income of the buildings; to provide for the registration of such bonds; to provide for trust indenture and trustee for said bonds; to provide for the creation of a sinking fund and to define its purposes; to empower the State Board of Education to enter into all contracts and agreements necessary or incidental to the execution of its powers under this Act; to provide remedies of bondholders; and declaring an emergency."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was, without previous notice, this day introduced, read first and second times and referred to committee:

House Bill No. 39, introduced by Committee on Irrigation and Water Rights, a bill for an Act entitled: "An Act providing for the creation of the State Water Conservation Board; prescribing its powers and duties; providing for the construction, operation and maintenance of a system of works for the conservation, development, storage distribution and utilization of water, and for the acquisition of property necessary therefor;

authorizing the issuance of water conservation revenue bonds of the state payable solely from the revenues of such works and the funds received from the sale or disposal of water and from the operation, lease, sale or other disposition of the works, property and facilities to be acquired out of the proceeds of such bonds; declaring that no debt of the state shall be incurred in the exercise of any of the powers granted by this Act; providing for condemnation; making an appropriation; repealing Chapter 155 of the Session Laws of 1931; and declaring an emergency." Committee on Irrigation and Water Rights.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day introduced, read first and second times and referred to committees:

H. B. No. 38, by Stevens of Wheatland and Miller of Big Horn: A bill for an Act entitled: "An Act reducing the penalty on delinquent taxes from and after March 1st, 1934, and repealing all Acts and parts of Acts in conflict herewith." Judiciary Committee.

H. B. No. 40, by Moss: A bill for an Act entitled: "An Act to amend Section 97, of Chapter 105 (commonly called the Liquor Control Act), of the Twenty-third Legislative Assembly in Regular Session assembled, relating to the allocation and distribution of net profits, derived from the administration of the law, to the state and counties." Judiciary Committee.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate, that upon motion, H. B. No. 34 was withdrawn from Committee on Printing and re-referred to Committee on Labor.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following notice of introduction of bill was this day received:

Committee on Revenue and Taxation: "An Act directing the creation of unemployment relief fund; defining the purposes thereof; defining the authority of the Boards of County Commissioners relative thereto; creating the Montana unemployment relief commission; defining its powers and duties; fixing wages and hours of labor."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following notice of introduction of bill was this day received:

A bill for an Act entitled: "An Act to provide for the sale of spirituous and vinous liquors at wholesale by the State of Montana; creating the Montana Liquor Control Board, and providing for the issuance of licenses for the retail sale of such liquors in the State of Montana." Signed by Shannon, Woodcock, Groene, Findlater, Miller (Big Horn), Pilgeram, Rearden (Cascade), Conner, Metlen, Byrne, Nass, Strange, Somerville, Larsen, Moss, Anderson, Arnold, Harlen, O'Shea, Parker, Doe, Snidow, McCarvel, Jensen, Watson (Meagher), Campbell, Trenne, Roll, McElwain, Abrahamson, Breitenstein, Hagerty, Waite, Setzer, Annin, Kruse, Reardon (Deer Lodge), Ralston, Freudenstein, Knowles, Sullivan, Replogle, Cusker, Quamme, Ferry, McDermott, Ragen, Balgord, Acher, Wigal, Lott, Miles, Grabow, Logan.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following notice of introduction of bill was this day received:

By Byrne: "An Act to amend Section 4918 of the Revised Codes of Montana, 1921, relating to fees of the Clerk of the District Court directing the disposition of certain of said fees and repealing all Acts and parts of Acts in conflict therewith."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following notice of introduction of bill was this day received:

By Grabow: A bill for an Act entitled: "An Act to amend Chapter 176 of the Session Laws of Montana of 1933, relating to procedure for applying for a tax deed."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration Business on General Orders, do report that we recommend:

- H. B. No. 31 do pass.
- H. J. M. No. 2 do pass.
- H. B. No. 32 re-referred to Committee on Appropriations.
- H. B. No. 33 enacting clause stricken.
- Substitute H. J. M. No. 1 do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, passed, title and history agreed to, and the bills are herewith transmitted to the Senate for its concurrence:

Substitute H. B. No. 5.

Substitute H. J. M. No. 1.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 13, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times, passed, title and history agreed to, and the bill is herewith transmitted to the Senate for its concurrence:

H. B. No. 31.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bills were introduced, read first and second times, and referred:

H. B. No. 31, introduced by Appropriations Committee: A bill for an Act entitled: "An Act to appropriate money to establish and operate State Liquor Stores authorized by Chapter 105, of the Laws of the Twenty-third Legislative Assembly of the State of Montana, commonly known as the State Liquor Control Act." Referred to Committee on Finance and Claims.

Sub. H. J. M. No. 1, introduced by Woodcock and Cusker: A memorial to the Congress of the United States of America requesting the purchase of Montana cattle for distribution to workers on Federal projects and for the relief of the destitute in the State of Montana. Referred to Committee on Stock Growing and Grazing.

House Substitute for H. B. No. 5, introduced by Committee on Revenue and Taxation: A bill for an Act entitled: "An Act to amend Section 2, Chapter 65, of the Eighteenth Legislative Assembly of 1923, and Section 3 of Chapter 65, of the Eighteenth Legislative Assembly of 1923 as amended by Chapter 141, of the Twentieth Legislative Assembly of 1927, relating to tax on direct and collateral inheritances, bequests, and devises; to provide for its assessment, collection and distribution; and to provide funds for the support and relief of the needy and their employment." Referred to Committee on Taxation.

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Himsl in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That S. J. R. No. 2 do pass.

That S. J. R. No. 3 do pass.

That H. B. No. 16 be amended in Section 1 by striking out in the engrossed bill (and not appearing in the printed bill) the House amendment inserted at the end of said Section 1 and reading as follows: "providing, however, this does not conflict with the code as set by the National Recovery Act applying to such establishments"; and, as so amended, recommend that said H. B. No. 16 be concurred in.

HIMSL, Chairman.

Moved by Senator Himsl that the foregoing report of the Committee of the Whole be adopted; motion duly seconded.

As an amendment to the report of the Committee of the Whole, Senator Larson moved that Senate Joint Resolution No. 3 be segregated from the report; motion to amend duly seconded and carried by the following vote:

Ayes: Angvick, Campbell, Carey, Carroll, Clarke, Coburn, Cooper, Corwin, Eaton, Galt, Harris, Himsl, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kemmis, Lamp, Larson, MacGivra, Parkin, Pauline, Reed, Rowland, Ruffcorn, Simmons, Staggs, Thien, Wheeler. Total 32.

Noes: Armstrong, Burr, Church, Clifford, Danielsen, Delaney, Donovan, Duncan, Ekegren, Garber, Hennessy, Holt, Kelsey, Kilduff, Melton, Murphy, Page, Plank, Plumer, Putnam, Sparling, Walker, Wass, Willis. Total 24.

Absent and not voting: None.

Upon motion of Senator Kane, duly seconded and carried, the report of the Committee of the Whole, as amended, was thereupon adopted.

Moved by Senator Larson that Senate Joint Resolution No. 3 be referred to the Committee on Federal Relations; motion duly seconded.

As a substitute motion to the motion by Senator Larson, Senator Donovan moved that Senate Joint Resolution No. 3 be placed on Third Reading of Bills; substitute motion duly seconded and lost.

The original motion by Senator Larson that Senate Joint Resolution No. 3 be referred to the Committee on Federal Relations was thereupon carried.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 12:05 P. M., until 2:00 P. M.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:00 P. M.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Employment submitted the following report:

Mr. President: We, your Committee on Employment, beg to recommend the employment of Lawrence Moon as janitor in the Senate organization which became necessary due to the resignation of Paul Smith who resigned because of sickness in his family.

THIEN,
HOLTON,
RUFFCORN.

Report adopted.

The Committee on Counties and Towns submitted the following report:

Mr. President: We, your Committee on Counties and Towns, having had under consideration House Bill No. 25, recommend that the same be concurred in.

THIEN, Chairman.

Report adopted.

The Committee on Stock Growing and Grazing submitted the following report:

Mr. President: We, your Committee on Stock Growing and Grazing, having had under consideration Substitution for House Joint Memorial No. 1, introduced by Woodcock and Cusker, recommend that the same be concurred in.

HARRIS, Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

December 14, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following memorial was this day read three several times, passed, title and history agreed to, and the memorial is herewith transmitted to the Senate for its concurrence:

H. J. M. No. 2.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bill was introduced, read first and second times, and referred:

S. B. No. 14, by Sparling: A bill for an Act entitled: "An Act to amend Section 2235 of the Revised Codes of Montana, 1921, as amended by Section 3 of Chapter 85, Laws of the Twentieth Legislative Assembly, as amended by Chapter 162, Laws of the Twenty-first Legislative Assembly, relating to the sale of unredeemed property by County Commissioners." Referred to Committee on Judiciary.

With unanimous consent the following bills were introduced without previous notice having been given, read first and second times, and referred:

S. B. No. 15, by Carroll: A bill for an Act entitled: "An Act amending Chapter 17 of the Revised Codes of Montana, by adding new Sections to be known as Sections 4574A, as amended by Chapter 133 of the Session Laws of 1929, 4589-A and 4595-A, relating to Special Improvement Districts, in order that Federal loans may be made for said improvement district in conformity with the National Industrial Recovery Act." Introduced without previous notice by unanimous consent of the Senate. Referred to Committee on Federal Relations.

S. B. No. 16. Introduced by Burr and Plank. A bill for an Act entitled: "An Act to encourage and aid state industrial recovery in conjunction with national industrial recovery, and to aid in the re-establishment of industry in the State of Montana and to effectuate its control by license, permit, or otherwise; to foster fair competition to the end that fair wages will be paid to workers; to provide penalties for violation of the provisions of this Act; and to give to the governor necessary authority fully to cooperate with the president of the United States and the agencies set up by him under the provisions of the Act known as the 'National Industrial Recovery Act,' including authority to appoint a board to carry out the provisions of this Act." Referred to Committee on Labor and Capital.

The following Joint Memorial was introduced, read first and second times, and referred:

H. J. M. No. 2. Introduced by Watson of Meagher. A Memorial addressed to the Congress of the United States, requesting the enactment of effective laws prohibiting the producers and distributors of gasoline from establishing unfair and unjust prices for the sale at retail to the people of the United States, and thus removing unjust discrimination. Referred to Committee on Oil and Leases.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 2:17 p. m., until 3:00 p. m.

Pursuant to recess, the Senate reconvened at 3:00 p. m.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Banks and Banking submitted the following report:

Mr. President: We, your Committee on Banks and Banking, having had under consideration House Bill No. 22, by Besancon, respectfully report as follows:

That H. B. No. 22 be amended in the title by striking out in lines 2, 3, 4, 5 and 6 of the printed bill, the following words: "for the State of Montana and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivision of the state, or any political or public corporation of the state, or".

We further recommend that Section 1 of said H. B. No. 22 be amended by striking out in lines 1, 2, 3 and 4, the printed bill, the following words: "for the State of Montana and any of its departments, institutions and agencies, municipalities, districts, and any other political subdivision of the state, or any political or public corporation of the state, or."

And as so amended, recommend said H. B. No. 22 for concurrence.

HIMSL, Chairman.

Report adopted.

The Committee on Roads and Highways submitted the following report:

Mr. President: We, your Committee on Roads and Highways, having had under consideration Senate Resolution No. 1 respectfully report as follows: That Senate Resolution No. 1 be recommended for passage.

HUSBAND, Chairman.

Report adopted.

MESSAGES FROM THE GOVERNOR

The following communications from the Governor were received and read:

December 14, 1933.

The President of the Senate,
Senate Chamber,
Helena, Montana.

Members of your body have directed my attention to the apparent failure of the Governor's messages heretofore presented to you to authorize revenue to be raised, except revenue for relief of distress, and have conveyed to me the suggestion it might be desirable and that the Legislative Assembly might see fit to provide revenue for various funds of the state.

I, therefore, recommend and submit the question of additional revenues to the wisdom and discretion of your body and you are hereby authorized, in addition to providing revenue for the relief of people in distress and the relief of unemployment, also to provide for the general fund of the state and Common School Interest and Income Fund, such revenue as may seem desirable.

F. H. COONEY,
Governor.

December 14, 1933.

The President of the Senate,
Senate Chamber,
Helena, Montana.

Beyond a shadow of a doubt every citizen of Montana is desirous of doing everything within his power to insure restoration of conditions as they existed in our Nation before the depression got its throttling grip upon us. We are all, I believe, convinced that we have at last "turned the corner" in the pursuit of prosperity, and there are few who are willing to place any obstacle in the path of accomplishment of the aims of the Federal administration.

But it will be agreed that we should not depend wholly upon the parent government to pull us out of the quagmire. There is much that the state itself can do to aid in the return of better times, and the state should stand ready to quickly adopt any measure looking to this end.

It is believed that a long stride in the right direction would be taken by the enactment of a measure creating a State Industrial Recovery Board, to be appointed by the Governor and to serve without pay, after the model set up by the national body.

I shall not go into detail regarding the proposed measure, but I do hereby recommend that this Extraordinary Session consider the question of creating such a Board and that it enact a measure under which the Governor and the proposed Board may give fullest cooperation to the Federal forces that are working for the good of the whole people.

F. H. COONEY,
Governor.

December 14, 1933.

The President of the Senate,
Senate Chamber,
Helena, Montana.

One of the topics uppermost in the minds of Montana people is the high price that we are compelled to pay for gasoline in this state. The belief that we are being discriminated against is widespread and while numerous attempts have been made to reduce the cost of this fuel there has been no success worthy the name. A few months ago I was in correspondence with refiners doing business in this state, with the hope that some relief might be had, but there has been no response indicating that there is any disposition on the part of the companies serving the state to heed the rumblings of discontent over the situation. Apparently the state is without authority to exert any influence that will bring about a readjustment.

In the circumstances it seems to me that it is high time the state were taking steps that may offer some hope of success. It may be that something can be achieved through a regulatory measure in the shape of an amendment of our present law, but the terms of which our Public Service Commission would have the power to revoke the license of persons engaged in the gasoline business, where such persons should be found guilty of charging exorbitant prices for their products to the people of this state.

Believing that the situation is one that demands the exercise of every effort on the part of the law-making body and of the officials of the state, I hereby recommend that this Extraordinary Session enact such legislation as will grant to the Public Service Commission the power to revoke licenses as suggested, after proper investigation.

F. H. COONEY,
Governor.

December 14, 1933.

The President of the Senate,
Senate Chamber,
Helena, Montana.

Montana is one of the states in which the production of crude petroleum and refined products thereof has come to be an important industry, and there is an insistent demand for legislation that will permit the agencies of this state to cooperate with the Federal Government in regulating the industry.

Believing that the members of the Assembly realize the importance of the subject, I hereby submit the question to this Extraordinary Session, with the recommendation that a measure be enacted providing for the recreation of an Oil Conservation Board for the State of Montana, to do any and all things that may be necessary for the regulation and the fostering of this industry which has come to mean so much in the industrial and economic life of the state.

F. H. COONEY, Governor.

INTRODUCTION OF BILLS

With unanimous consent the following bill was introduced without previous notice having been given, read first and second times, and referred:

S. B. No. 17. Introduced by Danielsen. A bill for an Act entitled: "An Act to amend Section 4767 of the Revised Codes of Montana of 1921, as amended by Chapter 89 of the Laws of the Eighteenth Legislative Assembly, and as further amended by Chapter 137 of the Laws of the Nine-

teenth Legislative Assembly, and as further amended by Chapter 134 of the Laws of the Twentieth Legislative Assembly, and as further amended by Chapter 49 of the Twenty-first Legislative Assembly, relating to the deposit of county, city and town funds." Referred to Committee on Banks and Banking.

MOTIONS AND RESOLUTIONS

Moved by Senator Church, duly seconded and carried, that House Bill No. 1 be taken from Third Reading of Bills and placed on General File.

Moved by Senator Kane, duly seconded and carried, that Business on General File be passed.

THIRD READING OF BILLS

S. J. M. No. 4, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armsrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: Simmons.

Absent and not voting: Keeley.

H. B. No. 23, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 56.

Noes: None.

Absent and not voting: None.

H. B. No. 16 having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Garber, Harris, Hennessy, Himsl, Holt, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kilduff, Lamp, MacGilvra, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Thien, Walker, Wass, Wheeler, Willis. Total 49.

Noes: Coburn, Galt, Kemmis, Larson, Melton, Staggs. Total 6.

Absent and not voting: Holton.

REPORTS OF STANDING COMMITTEES

The Committee on Engrossing submitted the following report:

Mr. President: We, your Committee on Engrossed Bills, to whom was referred Senate Joint Resolution No. 2, beg leave to report same back correctly engrossed.

MacGILVRA, Chairman.

Report adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 3:30 p. m., until 4:00 p. m.

Pursuant to recess, the Senate reconvened at 4:00 p. m.
 President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Oil and Leases submitted the following report:

Mr. President: We, your Committee on Oil and Leases, having had under consideration House Joint Memorial No. 2, respectfully report as follows: That House Joint Memorial No. 2 be concurred in.

DONOVAN, Chairman.

Report adopted.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

December 14, 1933.

The President of the Senate,
 Senate Chamber,
 Helena, Montana.

It is deemed highly essential by authorities interested in co-operation with the policy of the United States Department of Agriculture that there should be legislation on the part of the State of Montana whereby certain low-grade farming lands may be withdrawn from grain farming and certain other lands may be developed through irrigation, and a measure calculated to permit this has been prepared.

I therefore recommend that this Extraordinary Session consider this subject and pass such measure as will further this work through co-operation between the State Planning Board and Boards of County Commissioners.

F. H. COONEY, Governor.

INTRODUCTION OF BILLS

The following bills were introduced, read first and second times, and referred:

S. B. No. 18, by Committee on Banks and Banking: A bill for an Act entitled: "An Act to repeal Senate Bill No. 4, approved December 11, 1933." Referred to Committee on Banks and Banking.

S. B. No. 19, by Committee on Banks and Banking: A bill for an Act entitled: "An Act providing for the amendment of the Articles of Incorporation of any commercial bank, savings bank, trust company or investment company, but authorizing the issuance of non-assessable preferred stock, and to repeal all Acts and parts of Acts in conflict." Referred to Committee on Banks and Banking.

S. B. No. 20, by Committee on Banks and Banking: A bill for an Act entitled: "An Act to authorize commercial banks, savings banks, trust companies and investment companies to issue and negotiate capital notes or debentures and to borrow money for capital purposes, and fixing the status of such capital." Referred to Committee on Banks and Banking.

S. J. M. No. 5, by Committee on Irrigation and Water Rights: A Memorial to the President and Congress of the United States requesting a continuation of the national policy of assisting distressed drainage dis-

tricts, levee districts and irrigation districts in funding and refunding the debts of such districts. Referred to Committee on Irrigation and Water Rights.

Moved by Senator Husband, duly seconded and carried, that Senate Resolution No. 1 be printed.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 5:05 p. m., until 10:00 a. m., Friday, December 15, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

NINETEENTH DAY

Helena, Montana. Decembr 15, 1933.

Senate convened at 10:00 a. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Eighteenth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on Banks and Banking submitted the following reports:

Mr. President: We, your Committee on Banks and Banking, having had under consideration Senate Bill No. 20, introduced by Committee on Banks and Banking, respectfully report as follows: That Senate Bill No. 20 do pass.

HIMSL, Chairman.

Report adopted.

Mr. President: We, your Committee on Banks and Banking, having had under consideration Senate Bill No. 18, introduced by Committee on Banks and Banking, respectfully report as follows: That Senate Bill No. 18 do pass.

HIMSL, Chairman.

Report adopted.

Mr. President: We, your Committee on Banks and Banking, having had under consideration Senate Bill No. 19, introduced by Committee on Banks and Banking, respectfully report as follows: That Senate Bill No. 19 do pass.

HIMSL, Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 14, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

- Substitute S. B. No. 1 passed for the day.
- S. B. No. 3 passed until December 15.
- Substitute H. B. No. 18 do pass as amended.
- Substitute H. B. No. 17 do pass as amended.
- H. J. R. No. 3 do pass.
- H. B. No. 29 do pass as amended.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 14, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend: Senate Amendments to H. J. R. No. 1, be not concurred in.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 14, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that Senate Amendments to H. B. No. 3 were read and upon roll call concurred in.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 14, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee report was this day made and, upon motion, adopted:

Committee on Judiciary, H. B. No. 37 do not pass, but that Substitute H. B. No. 37 entitled: "An Act relating to certain license fees to be paid by collecting agents and other persons, firms or corporations other than attorneys-at-law engaged in collection of bills, notes or accounts; and fixing license fees thereof and prescribing a penalty for failure to pay said license fee or otherwise failing to comply with the provisions herein." Do pass.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 14, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee report was this day made and, upon motion, adopted: Committee on Irrigation and Water Rights, H. B. No. 44 do pass.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 14, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day introduced, read first and second times and referred to committees:

- S. B. No. 6, Committee on State Lands.
- S. B. No. 9, Committee on Judiciary.
- S. B. No. 7, Committee on Highways.
- S. B. No. 10, Committee on Irrigation and Water Rights.
- S. J. M. No. 3, Committee on Federal Relations.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 14, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day introduced, read first and second times and referred to committee:

House Bill No. 46, introduced by Haight and Holecek: A bill for an Act entitled: "An Act to amend Sections 2 and 28 of Chapter 181 of the Laws of Montana 1933 regulating rate of personal income tax to be paid, and distribution of said tax." Referred to Committee on Revenue and Taxation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 14, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was, without previous notice, this day introduced, read first and second times and referred to committee.

House Bill No. 47, introduced by Stephens of McCone: A bill for an Act entitled: "An Act to amend Section 2435 of the Revised Codes of Montana, 1921, relating to license taxes on vendors of oleomargarine, vendors of cigarettes, and railway warehouses; and to provide for a license tax upon the business of selling cigarettes, cigarette paper, or the material used in the making of cigarettes, except tobacco." Committee on Revenue and Taxation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 14, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day introduced, read first and second times and referred to committees:

House Bill No. 48, introduced by Haight and Holecek: A bill for an Act entitled: "An Act to amend Sections 1 and 16 of Chapter 166 of the Montana Session Laws of 1933 relating to amount of license tax of corporations and providing for the distribution thereof." Referred to Committee on Revenue and Taxation.

House Bill No. 49, introduced by Byrne: A bill for an Act entitled: "An Act to amend Section 4918 of the Revised Codes of Montana, 1921, relating to fees of the Clerk of the District Court; directing the disposition of certain of said fees and repealing all Acts and parts of Acts in conflict therewith." Referred to Committee on Judiciary.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 14, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were, without previous notice, this day introduced, read first and second times and referred to committees:

House Bill No. 50, introduced by Haight and Holecek: A bill for an Act entitled: "An Act to amend Section 2296 of the Revised Codes of Montana, as amended by Section 1, Chapter 166 of the Laws of Montana, 1933, and to amend Section 16 of Chapter 166, of the Laws of Montana, 1933, providing a method of arriving at net income, allowing certain deductions and exempting certain corporations from said tax; to provide for allocation of income to Montana of business done by corporations both within and without the state; to provide for the necessary enforcement and collection of said tax, and penalties for failure to comply herewith, and granting powers to the State Board of Equalization to make rules and regulations relative thereto." Referred to Committee on Revenue and Taxation.

House Bill No. 51, introduced by O'Connell, "An Act amending Section 1, and Section 4, of Chapter 174, of the Session Laws of 1933, requiring every person, firm, co-partnership, association, joint stock company, Syndicate and corporation engaged in or carrying on the business of constructing, maintaining and operating telephone lines and telephone instruments within the State of Montana to pay license taxes and providing penalties." Referred to Committee on Revenue and Taxation.

House Bill No. 52, introduced by Committee on Revenue and Taxation: A bill for an Act entitled: "An Act establishing an emergency relief fund; creating a state institution to be known as emergency relief; defining the purpose and directing the administration thereof; and directing the distribution of moneys to said fund." Referred to Committee on Revenue and Taxation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 14, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day introduced, read first and second times and referred to committees:

House Bill No. 53, introduced by Shannon, Woodcock, Groene, Findlater, Miller, Pilgeram, Rearden, Conner, Metlen, Byrne, Nass, Strange, Somerville, Larsen, Moss, Arnold, O'Shea, Parker, Doe, Snidow, McCarvel, Jensen, Watson of Meagher, Campbell, Trenne, Roll, McElwain, Abrahamson, Breitenstein, Hagerty, Waite, Setzer, Annin, Reardon, Ralston, Freudenstein, Knowles, Sullivan, Replogle, Cusker, Quamme, Ferry, McDermott, Ragen, Balgord, Wigal, Lott, Miles, Grabow, and Logan: A bill for an Act entitled: "An Act to provide for the sale of spirituous and vinous liquors at wholesale by the State of Montana; creating the Montana Liquor Control Board, and providing for the operation thereof; providing for a stamp tax and the issuance of licenses for the retail sale of such liquors in the State of Montana and providing for the distribution of moneys collected hereunder for emergency relief and other purposes." Referred to Committee on Revenue and Taxation.

House Bill No. 54, introduced by Watson of Meagher: A bill for an Act entitled: "An Act to authorize the erection of buildings for the Greater University of Montana at Lewistown; to authorize the borrowing of money for the construction of said buildings, to create a fund out of which the principal of and the interest upon the money so borrowed may be paid, and to provide that the money so borrowed shall not be and never shall become a charge against the State of Montana, or a liability,

debt or obligation of the State of Montana; to authorize the State Board of Education to move, sell or dismantle any and all buildings now occupied or used by the units of said University; limiting the amount of indebtedness to be incurred not to exceed Two and One-half Millions of Dollars." Referred to Committee on State Institutions and Public Buildings.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 14, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were, without previous notice, this day introduced, read first and second times and referred to committees:

House Bill No. 55, introduced by Watson of Meagher and Ralston: A bill for an Act entitled: "An Act to amend Chapter 109 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, relating to the regulation and sale of gasoline and other petroleum products, by adding after Section 19 thereof a new section to be known as Section 19A, providing for the revocation by the Public Service Commission of the license to engage in the business of selling gasoline and other petroleum products issued to any person, firm, partnership, association or corporation, and granting the right of appeal where such revocation is ordered." Referred to Committee on Judiciary.

House Bill No. 56, introduced by Committee on Revenue and Taxation: A bill for an Act entitled: "An Act relating to the imposition of a tax on the sale of gasoline; the collection and disposition thereof; and prescribing penalties for the violation of such Act." Referred to Committee on Revenue and Taxation.

House Bill No. 57, introduced by Pilgeram: A bill for an Act entitled: "An Act to provide a privilege license tax on all persons, associations or corporations owning or operating a telephone or telegraph business in this state." Referred to Committee on Revenue and Taxation.

House Bill No. 58, introduced by Byrne: A bill for an Act entitled: "An Act to prohibit and prevent the waste of crude petroleum in the State of Montana; creating an Oil Conservation Board; providing for the appointment of the members of said Board, providing the powers, duties and authority of said Board and the members thereof; providing for the filing and hearing of complaints concerning waste of crude petroleum, and for oaths, subpoenas and depositions; providing for the cooperation of said board with the government of the United States and department or bureau thereof in the administration and enforcement of the National Industrial Recovery Act and any order, rule, regulation or code, promulgated thereunder in so far as related to the petroleum industry; providing for the enforcement of the Act and the rules, regulations and orders of the said board and creating a fund for the purposes of said Act and providing for the assessment and collection thereof." Referred to Committee on Petroleum, Oil and Gas.

House Bill No. 59, introduced by O'Connell, Beadle, Kuhl, O'Shea, Daugherty: A Bill for an Act entitled: "An Act to amend Section 6112 of the Revised Codes of Montana, 1921, regarding the license fees to be paid by insurance corporations, associations and societies, to provide funds for the support and relief of the needy and for their employment, and for the financing of direct relief or work relief, or both for a limited period." Referred to Committee on Revenue and Taxation.

House Bill No. 60, introduced by Beadle: A bill for an Act entitled: "An Act requiring all persons, co-partnerships, firms, associations, joint stock companies, syndicates and corporations engaged in, or carrying on,

the business in this state of contracting, or who shall enter into construction or improvement contracts, to pay to the State Board of Equalization certain license taxes for engaging in, carrying on, and entering into such business in this state; fixing the amount of such license taxes; providing a method for the assessment, collection and disposition thereof; and providing penalties for the violation of this Act." Referred to Committee on Revenue and Taxation.

House Bill No. 61, introduced by O'Connell: A bill for an Act entitled: "An Act requiring licenses for the operation, maintenance, opening or establishment of banks and limiting of the legal rate of interest thereof, prescribing licenses and filing fees to be paid therefor, and the disposition thereof, and the powers and duties of the State Board of Equalization in connection therewith, and prescribing penalties for the violation thereof." Referred to Committee on Banks and Banking.

House Bill No. 62, introduced by Pilgeram and Rearden: "An Act authorizing Bartholomew C. Dignan to file with the State Board of Examiners his claim against the State of Montana for compensation for injuries, for reimbursement for expenses occasioned by injuries received by him while employed in the office of the State Treasurer by reason of the ceiling falling upon him, and authorizing the said State Board of Examiners to hear, audit and determine the said claim, and making an appropriation to pay any such claim of said Bartholomew C. Dignan which said State Board of Examiners may approve and allow." Referred to Committee on Appropriations.

House Bill No. 63, introduced by Revenue and Taxation Committee: A bill for an Act entitled: "An Act relating to the sale of cigarettes, and cigarette papers and wrappers and papers used and prepared for the making of cigarettes and imposing taxes thereon, and the levy, assessment, collection, payment, and distribution of a tax thereon; providing for issuing licenses for the privilege of engaging in the business of the sale thereof and providing for the levy, assessment, collection, payment, and distribution of a tax for the privilege of engaging in such business; providing for the regulation of the sales thereof, the enforcement of such tax and license, and penalty for violation of this Act; defining the duties of state and county officials and designating the funds into which the proceeds derived from such licenses and stamps shall be paid." Referred to Committee on Revenue and Taxation.

House Bill No. 64, introduced by Grabow: A bill for an Act entitled: "An Act to amend Chapter 100 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, as amended by Chapter 176 of the Session Laws of 1933, relating to tax deeds, providing the method and procedure to be followed in applying for the tax deed and for the issuance thereof by the County Treasurer; the redemption of said lands from the tax sale; the form of deed to be issued and the title conveyed thereby." Referred to Committee on Judiciary.

House Bill No. 65, introduced by Beadle, O'Connell: A bill for an Act entitled: "An Act to permit all contracts for state, county, municipal and school construction or repair work and maintenance to contain provisions conforming to the 'National Industrial Recovery Act,' or other Federal statutes providing for minimum wages, hours of labor and other restrictions concerning employment designed to reduce unemployment, and declaring an emergency to exist, and repealing all Acts and parts of Acts in conflict herewith." Committee on Labor.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 15, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and, upon motion adopted:

Committee on State Institution, Public Buildings and Grounds, H. B. No. 42 be amended, and as amended do pass.

Committee on Revenue and Taxation, H. B. No. 30, be amended and as amended, do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that the Secretary be instructed to number the lines in Senate Bill No. 18, Senate Bill No. 19, and Senate Bill No. 20.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Delaney in the Chair.
Committee arose.
Senate resumed.
President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That consideration of H. B. No. 1 be passed temporarily.

That H. B. No. 22 be concurred in.

That H. B. No. 25 be amended in Section 1 by inserting after the word "any" in line 6 of the printed bill the word "destruction" and by placing a comma after said word "destruction."

That H. B. No. 25 be amended in Section 1 by striking out the period after the word "protection" in line 9 of the printed bill and inserting after said word "protection" the words "over all property so leased" and by placing a period after said word "leased."

And, as so amended, recommend that said H. B. No. 25 be concurred in.

That Substitute for H. J. M. No. 1 be concurred in.

That H. J. M. No. 2 be concurred in.

That H. B. No. 1 be amended in the title by inserting after the word "section" in line 1 the words and figures "1760 of the Revised Codes of Montana for 1921 as amended by Section."

That H. B. No. 1 be amended in Section 1 by striking out lines 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13, page 2 of the engrossed bill, and lines 21, 22, 23, 24, 25, 26, 27, 28 and 29, pages 1 and 2 of the printed bill and insert in lieu thereof the following in the engrossed bill:

“Trucks of One (1) ton capacity or under, Five Dollars (\$5.00); trucks over one (1) ton and up to and including one and one-half (1½) ton capacity, Ten Dollars (\$10.00);

Trucks over one and one-half (1½) tons and up to and including two (2) tons capacity, Twenty-two Dollars and Fifty Cents (\$22.50);

Trucks over two (2) tons and less than three (3) tons capacity, Thirty-seven Dollars and Fifty Cents (\$37.50);

Trucks of three (3) tons and less than five (5) tons capacity, Sixty Dollars (\$60.00);

Trucks of five (5) tons capacity and over Two Hundred Dollars (\$200);”

And, as so amended, recommend that said H. B. No. 1 be concurred in.
 DELANEY, Chairman.

Upon motion of Senator Delaney, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

With unanimous consent, the Senate reverted to:

MESSAGES FROM THE GOVERNOR

December 15, 1933.

The President of the Senate,
 Senate Chamber,
 Helena, Montana.

Many of our banks have pledged collateral securities to the state, counties, and municipalities to secure public deposits and such banks desire that the proper officials be authorized to permit the withdrawal of such amount of the pledged securities as will be equal to the amount to which such public deposits will be guaranteed by the Federal Government when the Federal Guarantee Act becomes operative.

Therefore I hereby recommend enactment of appropriate legislation authorizing the proper officials to negotiate with and if found advisable permit the banks to withdraw such excess collateral security.

REFUND OF BEER LICENSE FEES

Some persons residing in cities and towns located on Indian reservations, or on lands that are virtually surrounded by Indian reservations in Montana, paid for and were granted licenses to engage in the business of selling beer under the Beer Act of the 1933 Regular Session. It has developed that such traffic is prohibited under the regulation of the Federal Government in any such cities and towns, and equity demands that the unearned portion of the license fees paid by such licensees be refunded. I therefore respectfully recommend appropriate legislation authorizing such refunds.

F. H. COONEY, Governor.

Upon motion of Senator Kane, duly seconded and carried, Third Reading of Bills was passed.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:39 a. m., until 2:00 p. m.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:00 p. m.
 President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Banks and Banking submitted the following report:

Mr. President: We, your Committee on Banks and Banking, having had under consideration Senate Bill No. 17, introduced by Danielsen, recommend that same do pass.

HIMSL, Chairman.

Report adopted.

The Committee on Finance and Claims submitted the following report:

Mr. President: We, your Committee on Finance and Claims, having had under consideration Senate Bill No. 11, introduced by Walker, respectfully report as follows: That Senate Bill No. 11 be amended as follows: In Section 1, line 33 of the original bill, by striking out the period after the word "officers", and inserting in lieu thereof, a comma, and adding the following:

"Their deputies or representatives while engaged on official business outside of the state; and in such case, the Board of Examiners may allow such actual expenses as in their judgment are reasonable in amount."

And as so amended, recommend that the same do pass.

STAGGS, Vice-Chairman.

Report adopted.

The Committee on Public Morals submitted the following report:

Mr. President: We, your Committee on Public Morals, having had under consideration Senate Bill No. 13, introduced by Church, respectfully report the same back without recommendation.

KALBERG, Chairman.

Report adopted.

Moved by Senator Church that Senate Bill No. 13 be printed and placed on General File; motion duly seconded.

As a substitute motion to the motion by Senator Church, Senator Kaulbach moved that further consideration of Senate Bill No. 13 be indefinitely postponed; substitute motion duly seconded and carried by a standing vote.

The following majority report of the Committee on Federal Relations was submitted:

Mr. President: We, a majority of your Committee on Federal Relations, having had under consideration Senate Joint Resolution No. 3 introduced by Kelsey, et al, respectfully report as follows: That Senate Joint Resolution No. 3 do not pass.

EKEGREN,
COBURN,
CORWIN.

Moved by Senator Ekegren that the foregoing majority report of the Committee on Federal Relations be adopted; motion duly seconded.

The minority report of the Committee on Federal Relations on Senate Joint Resolution No. 3 was submitted, signed by Senators Melton and Armstrong. Upon the reading of the said resolution, Senator Kane rose to a point of order stating that Senate Joint Resolution No. 3 was not submitted in proper form and therefore not in order. The President sustained the point of order taken by Senator Kane.

As a substitute motion to Senator Ekegren's motion, Senator Kelsey moved that Senate Joint Resolution No. 3 be printed and placed on General File; motion duly seconded.

Senator Donovan rose to a point of order stating that Senate Joint Resolution No. 3 had already been printed and therefore the motion by Senator Kelsey was out of order. The President sustained the point of order taken by Senator Donovan.

As a substitute motion to all pending motions, Senator Simmons moved that further consideration of Senate Joint Resolution No. 3 be indefinitely postponed; substitute motion duly seconded and carried by the following vote:

Ayes: Angvick, Campbell, Carey, Carroll, Clarke, Coburn, Cooper, Corwin, Eaton, Ekegren, Galt, Harris, Himsl, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kemmis, Lamp, Larson, MacGilvra, Parkin, Pauline, Reed, Rowland, Simmons, Thien, Wheeler. Total 30.

Noes: Armstrong, Burr, Church, Clifford, Danielsen, Delaney, Donovan, Duncan, Garber, Hennessy, Holt, Holton, Kelsey, Kilduff, Melton, Murphy, Page, Plank, Plumer, Putnam, Ruffcorn, Sparling, Staggs, Walker, Wass, Willis. Total 26.

Absent and not voting: None.

MOTIONS AND RESOLUTIONS

Moved by Senator Ekegren, duly seconded and carried, that Senate Bill No. 15 be taken from the Committee on Federal Relations and referred to the Judiciary Committee.

Moved by Senator Kane, duly seconded and carried, that all bills considered on Third Reading of Bills this day be read by title only, and be considered read at length.

THIRD READING OF BILLS

S. J. R. No. 2, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: Holton.

Absent and not voting: Keeley.

H. B. No. 1, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 55.

Noes: None.

Absent and not voting: Keeley.

H. B. No. 22, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kal-

berg, Kane, Kaulbach, Kelsey, Kilduff, Lamp, Larson, MacGivra, Melton, Murphy, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 48.

Noes: Burr, Corwin, Garber, Harris, Kemmis, Page, Parkin. Total 7.
Absent and not voting: Keeley.

Substitute for H. J. M. No. 1, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsens, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kilduff, Lamp, Larson, MacGivra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: Kemmis.

Absent and not voting: Keeley.

H. J. M. No. 2, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Cary, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsens, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kalbach, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGivra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 55.

Noes: None.

Absent and not voting: Keeley.

Moved by Senator Kane, duly seconded and carried, that third reading of House Bill No. 25 be passed.

Moved by Senator Kane, duly seconded and carried, that House Bill No. 25 be placed on General File.

With unanimous consent, the Senate reverted to:

MOTIONS AND RESOLUTIONS

Moved by Senator Church that the Senate reconsider its vote by which further consideration of Senate Bill No. 13 was indefinitely postponed; motion duly seconded.

Senator Larson rose to a point of order stating that the motion by Senator Church was out of order as Senator Church had not voted with the prevailing side. The President sustained the point of order taken by Senator Larson.

Moved by Senator Melton, duly seconded and lost by a standing vote, that the Senate reconsider its vote by which further consideration of Senate Bill No. 13 was indefinitely postponed.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 3:05 p. m., until 10:00 a. m., Saturday, December 16, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

TWENTIETH DAY

Helena, Montana, December 16, 1933.

Senate convened at 10:00 a. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present except: Eaton, Walker, excused.
Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Nineteenth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on Labor and Capital submitted the following report:

Mr. President: We, your Committee on Labor and Capital, having had under consideration Senate Bill No. 16, introduced by Burr and Plank, respectfully report as follows: That Senate Bill No. 16 be reported out without recommendation.

SIMMONS, Chairman.

Report adopted.

Moved by Senator Burr, duly seconded and carried, that Senate Bill No. 16 be printed and placed on General File.

The Committee on Irrigation and Water Rights submitted the following report:

Mr. President: We, your Committee on Irrigation and Water Rights, having had under consideration Senate Joint Memorial No. 5, introduced by Committee on Irrigation and Water Rights, respectfully report as follows: That Senate Joint Memorial No. 5 do pass.

JERGENSEN, Chairman.

Report adopted.

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Resolution No. 1, beg leave to report that the same has this date been returned from the printer correctly printed.

GALT, Chairman.

Report adopted.

Moved by Senator Carroll, duly seconded and carried, that the Secretary of the Senate be instructed to forward copies of Senate Resolution No. 1 to the Secretary and members of the Highway Commission and to the State Engineer.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 15, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several

times, passed, title and history agreed to, and the bills are herewith transmitted to the Senate for its concurrence: H. J. R. No. 3, H. B. No. 10, Sub. H. B. No. 18, H. B. No. 35.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 15, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times, passed, title and history agreed to, and the bill is herewith transmitted to the Senate for concurrence in House amendments to Sub. S. B. No. 1.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Moved by Senator Thien that House amendments to Substitute for Senate Bill No. 1 be concurred in; motion duly seconded.

As a substitute motion to the motion by Senator Thien, Senator Burr moved that the Senate do not concur in House amendments to Substitute for Senate Bill No. 1, and that the President appoint a Conference Committee to confer with a like committee from the House to consider House amendments to Substitute for Senate Bill No. 1; substitute motion duly seconded and lost by a standing vote.

Action was thereupon had on the original motion by Senator Thien that the Senate concur in House amendments to Substitute for Senate Bill No. 1, which motion was carried by the following vote:

Ayes: Angvick, Campbell, Church, Clarke, Coburn, Cooper, Corwin, Donovan, Duncan, Galt, Harris, Hennessy, Himsl, Holt, Holton, Husband, Kalberg, Kane, Kaulbach, Keeley, Kemmis, Kilduff, Larson, MacGivra, Parkin, Pauline, Plank, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Wheeler. Total 35.

Noes: Armstrong, Burr, Carey, Carroll, Clifford, Danielsen, Delaney, Ekegren, Garber, Jergensen, Kelsey, Lamp, Melton, Murphy, Page, Plumer, Putnam, Wass. Total 18.

Absent and not voting: Eaton, Walker, Willis. Total 3.

INTRODUCTION OF BILLS

The following bills were introduced, read first and second times, and referred:

H. B. No. 10. Introduced by O'Connell. A bill for an Act entitled: "An Act to amend Section 7675 of the Revised Codes of Montana, 1921, relating to the lien and right of possession of hotel, boarding house and lodging house keepers, and excepting from such lien and right of possession certain property." Referred to Judiciary Committee.

Substitute for H. B. No. 18. Introduced by Committee on State Institutions, Public Buildings and Grounds. A bill for an Act entitled: "An Act to authorize the construction of a building or buildings for the Montana State Tuberculosis Sanitarium; to provide for the issuance of revenue bonds for the payment thereof; to provide that such bonds shall not constitute or be a debt, liability or obligation of the state but shall be secured only by the rents or income of the buildings; to provide for the registration of such bonds; to provide for trust indenture and trustee for said bonds; to provide for the creation of a sinking fund and to define its

purposes; to empower the State Board of Examiners to enter into all contracts and agreements necessary or incidental to the execution of its powers under this Act; to provide remedies of bondholders; and declaring an emergency." Referred to Committee on State Boards and Offices.

H. B. No. 35. Introduced by Fitzstephens. A bill for an Act entitled: "An Act to amend Section 9429 of the Revised Codes of Montana, 1921, as amended by Chapter 3, of the Session Laws of the Twenty-third Legislative Assembly, relating to the exemption of earnings of judgment debtors." Referred to Judiciary Committee.

H. J. R. No. 3. Introduced by Sullivan, Freudenstein, Mulholland, Beadle, Goodwin, O'Connell, Ferry, Doran, McDermott, Harrington, Doe, Reardon of Deer Lodge, McCarvel, Larson. A resolution urging the passage and approval of appropriate legislation by the next session of Congress providing for a sufficient protective tariff for the promotion and betterment of the domestic manganese industry and regulating the importation of foreign manganese. Referred to Committee on Federal Relations.

The President signed in open session: House Bill No. 3, House Bill No. 16, House Bill No. 32.

Moved by Senator Garber, duly seconded and carried, that the Senate Committee on State Boards and Offices be instructed to investigate the travel activities of state officers and assistants between the State Capitol at Helena, Montana, and the National Capitol at Washington, D. C., between April 1 and December 1, 1933; the names of officers and assistants, number of trips, the purpose of trips, expenses incurred on state and relief account separately, and report back to the Senate on or before December 20th, 1933.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Bills Nos. 18, 19, and 20, beg leave to report that the same have this date been returned from the printer correctly printed.

GALT, Chairman.

Report adopted.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Keeley in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 25 be amended in Section one by striking out in line 6 of the printed bill the amendment adopted in Senate Committee of the Whole;

That H. B. No. 25 be amended in Section 1 by inserting after the word "grounds" in line 11, the following words: "Provided nothing herein shall be construed to prevent County Commissioners to permit schools to use fair grounds for athletic or other public school purposes."

And, as so amended, recommend that said H. B. No. 25 be concurred in.

KEELEY, Chairman.

Upon motion of Senator Keeley, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:19 a. m., until 2:00 p. m.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:00 p. m.

President presiding.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 2:01 p. m., until 2:30 p. m. Pursuant to recess, the Senate reconvened at 2:30 p. m.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Judiciary Committee submitted the following reports:

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 8, introduced by Ruffcorn, respectfully report as follows: That Senate Bill No. 8, be amended by inserting after the word "residents" in line 26 of the engrossed bill the words "the right", and recommend that Senate Bill No. 8 as so amended do pass.

ROWLAND, Vice-Chairman.

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 14, introduced by Sparling, respectfully report as follows: That Senate Bill No. 14 be amended by striking out the preamble and as amended, that Senate Bill No. 14 do pass.

ROWLAND, Vice-Chairman.

Report adopted.

The Committee on Federal Relations submitted the following report:

Mr. President: We, your Committee on Federal Relations, having had under consideration House Joint Resolution No. 3, respectfully report as follows: That House Joint Resolution No. 3 be concurred in.

EKEGREN, Chairman.

Report adopted.

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Bill No. 17, beg leave to report that the same has this date been returned from the printer correctly printed.

GALT, Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 15, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, passed, title and history agreed to, and the bills are herewith transmitted to the Senate for its concurrence: Sub. H. B. No. 17, H. B. No. 29.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 15, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and, upon motion, adopted:

Committee on Printing, H. B. No. 46, reported correctly printed, and placed on Genral Orders.

Committee on Revenue and Taxation, H. B. No. 67, do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 15, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and, upon motion, adopted:

Committee on Labor, H. B. No. 34, do pass as amended.

Committee on Highways, S. B. No. 7 be concurred in.

Committee on Federal Relations, S. J. M. No. 1 be amended and as amended, concurred in.

Committee on Federal Relations, H. J. M. No. 3, reported be printed and placed on General Orders.

Committee on Revenue and Taxation, H. B. No. 52, do pass as amended.

Committee on Revenue and Taxation, H. B. No. 43, do pass as amended.

Committee on Printing, H. B. No. 40 and H. B. No. 41, reported correctly printed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 15, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee report was this day made and, upon motion, adopted:

Committee on Revenue and Taxation, H. B. No. 27 do not pass, but that Substitute House Bill No. 27, entitled: A bill for an Act entitled: "An Act to provide for license taxes upon the privileges of engaging in certain business, and levying a tax upon the gross sales made in such business, and/or the gross income of such business; provide emergency relief, and to provide for the disposition of the revenues received." Be reported out without recommendation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 15, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

Senate Substitute No. 1, be amended and as amended, concurred in.
Senate Amendment to H. B. No. 1, passed for the day.
Senate Amendment to H. B. No. 22 be concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 15, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

Substitute S. B. No. 1 be passed until afternoon.
H. B. No. 35 do pass as amended.
S. B. No. 3 do pass for the day.
H. B. No. 40 do pass.
H. B. No. 38 do pass for the day.
H. B. No. 44 do pass for the day.
H. B. No. 10 do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 15, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

H. J. M. No. 4 do pass.
Substitute H. B. No. 14 do pass as amended.
Senate Amendments H. B. No. 16 be concurred in.
Senate Amendments H. B. No. 23 be concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 15, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills, upon motion, were this day introduced, read first and second time and referred to committees:

House Bill No. 67, introduced by Rognlien: A bill for an Act entitled: "An Act to provide emergency relief by authorizing Boards of Trustees of county high schools in counties where there are district high schools to borrow money and to enter into contracts and arrangements for the repair and construction of buildings and public works, providing for elections and procedure to be followed by county high school districts." Revenue and Taxation Committee.

House Bill No. 68, introduced by Committee on State Institutions, Public Buildings and Grounds: A bill for an Act entitled: "An Act to authorize the erection of a building or buildings for the Montana State

Industrial School; to authorize the borrowing of money to pay for the construction of said building or buildings; to create a fund out of which the principal of and the interest upon the money so borrowed may be paid; and to provide that the money, so borrowed, shall not be and never shall become a charge against the State of Montana or a liability, debt or obligation of the State of Montana." Committee on State Institutions and Public Buildings.

House Bill No. 69, introduced by Cusker: A bill for an Act entitled: "An Act to refund to beer licensees on Indian reservations where licensees are prohibited from operating by reason of regulations of the Federal Government, and providing an appropriation therefor." Committee on Appropriations.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 15, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Senate amendments to House Bills were concurred in: Senate Amendments to H. B. No. 16. Senate Amendments to H. B. No. 25.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 15, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate, that upon motion of Rognlien, duly seconded and carried, the following bill was this day introduced, read first and second times and referred to committee:

House Bill No. 66, introduced by Revenue and Taxation Committee: A bill for an Act entitled: "An Act defining 'cosmetics and kindred products'; and imposing certain license fees and taxes on the sale of 'cosmetics and kindred products' and fixing certain fees on the business of handling, receiving, selling, offering for sale, and dealing in through sale, barter, or exchange of 'cosmetics and kindred products' by any person, firm, association, joint stock company, syndicate, or corporation in this state, and to provide methods and penalties for the enforcement of the aforesaid tax and penalties and to appropriate and apportion the revenue derived from this tax to certain funds of the State of Montana, and repealing all Acts or parts of Acts in conflict herewith." Committee on Revenue and Taxation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 15, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that Substitute H. B. No. 13, was, upon motion, ordered printed and placed upon General Orders without recommendation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bills were introduced, read first and second times, and referred:

Substitute for H. B. No. 17. Introduced by Committee on State Institutions, Public Buildings and Grounds. A bill for an Act entitled: "An Act to authorize the construction of a building or buildings for the State Insane Asylum at Warm Springs, Montana; to provide for the issuance of revenue bonds for the payment thereof; to provide that such bonds shall not constitute or be a debt, liability or obligation of the state but shall be secured only by the rents or income of the building; to provide for the registration of such bonds; to provide for trust indenture and trustee for said bonds; to provide for the creation of a sinking fund and to define its purposes; to empower the State Board of Examiners to enter into all contracts and agreements necessary or incidental to the execution of its powers under this Act; to provide remedies of bondholders; and declaring an emergency." Referred to Committee on Judiciary.

H. B. No. 29. Introduced by McDermott and Reardon of Deer Lodge. A bill for an Act entitled: "An Act empowering cities and towns to prepare and improve streets and avenues and alleys within sprinkling districts so that the sprinkling thereof with water, oil, salt or any other dust palliative will be of a durable and continuing benefit, and authorizing cities and towns to enter into agreements with the United States of America for loans of money and for financial aid in the accomplishment thereof; and apportioning the cost thereof over a period of years." Referred to Committee on Counties and Towns.

MOTIONS AND RESOLUTIONS

Moved by Senator Reed, duly seconded and carried, that House Bill No. 25 be taken from Third Reading of Bills and placed on General File.

Moved by Senator Himsl, duly seconded and carried, that Senate Bill No. 19 be taken from General File and re-referred to the Committee on Banks and Banking.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 2:46 p. m., until 1:00 p. m., Monday, December 18, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

TWENTY-SECOND DAY

Helena, Montana. December 18, 1933.

Senate convened at 1:00 p. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present, except: Corwin, Delaney, Ekgren, Kaulbach, Murphy, excused.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Twentieth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on Enrolling submitted the following report:

Mr. President: We, your Committee on Enrolled Bills, to whom was referred Substitute for Senate Bill No. 1, beg leave to report same back correctly enrolled and duly verified.

CLARKE, Chairman.

Report adopted.

The Committee on Banks and Banking submitted the following report:

Mr. President: We, your Committee on Banks and Banking, having had under consideration Senate Bill No. 19, introduced by Committee on Banks and Banking, respectfully report as follows: That Senate Bill No. 19 do not pass, but that Senate Substitute for S. B. No. 19 do pass. Senate Sub. for S. B. No. 19, by Committee on Banks and Banking:

A bill for an Act entitled: "An Act providing for the amendment of the Articles of Incorporation or Agreement of any Commercial Bank, Savings Bank, Trust Company or Investment Company, by providing for the issuance of preferred stock; authorizing any such bank or company hereafter formed to provide in its articles for the issuance of such stock; providing the terms and conditions upon which such stock may be issued and sold, and repealing all Acts and parts of Acts in conflict herewith."

HIMSL, Chairman.

Report adopted.

The Judiciary Committee submitted the following report:

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 9, recommend that the same be amended as follows:

Amend the title by adding after the word "erection" in the first line, the word "furnishing," and by striking out the quotation marks after the word "act" in the last line and adding the words "or otherwise." Said title will then read as follows:

"A bill for an Act entitled: "An Act to permit the erection, furnishing and operation of Students' Union Buildings at the State Educational Institutions of the State of Montana and to authorize the financing thereof in conformity with the National Industrial Recovery Act or otherwise."

Amend the printed bill by striking out paragraph (c) of Section 3 and substituting the following in lieu thereof:

"(c) To issue and sell such bonds or other evidences of indebtedness as may be necessary in order to borrow money for the purposes set out in this Act. All of the rents, revenues, and income from any of the said Students' Union Buildings together with student's union building fees shall be set aside by the State Board of Education in the custody of the State Treasurer and impounded and held in a fund to be known as the Students' Union Building Fund and to be used solely for the purpose of payment of principal and interest upon any indebtedness created for the erection and furnishing any Students' Union Building as provided for in this Act: Provided however, that each Students' Union Building erected and/or furnished under the provisions of this Act at any of the various institutions of the University of Montana shall be considered as a unit and the rents and income for such Students' Union building and student fees at one institution shall not be mingled with those from any such building at any other institution, and shall not be used to discharge obligations created for any such building at any other institution; provided further, that when-

ever the Students' Union Building Fund in any institution shall have accumulated a surplus of rents, revenues, fees and income equal to three times the amount of the annual charges for principal and interest or any indebtedness then outstanding, any surplus over and above such accumulation may be reverted in the discretion of the State Board of Education to the student fund at such institution. Any bonds or other evidences of indebtedness issued under the provisions of Act shall be issued in the name of the State Board of Education of the State of Montana and shall provide for pledging of Students' Union Building Fees together with all of the rents, revenue and income derived from the operation of any such Student's Union Building; provided that the rate of interest upon any such bonds or certificates of indebtedness shall not be in excess of 5% per annum, and in the event of a loan from the United States the rate of interest shall not exceed that required by the National Industrial Recovery Act. Such bonds or other evidences of indebtedness and the interest coupons thereon shall be in such form and denomination and payable in such manner as may be prescribed by the State Board of Education, and shall be signed by the President and Secretary of said board and shall bear the Great Seal of the State of Montana. None of said bonds or evidences of indebtedness shall be sold or disposed of by the State Board of Education at less than their par value and accrued interest."

And as so amended, recommend the same be concurred in.

CAMPBELL, Chairman.

Report adopted.

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Bill No. 11 and Senate Joint Memorial No. 5, beg leave to report that the same have this day been returned from the printer correctly printed.

GALT, Chairman.

Report adopted.

MOTIONS AND RESOLUTIONS

Moved by Senator Page, duly seconded and carried, that the Senate Judiciary Committee amendments to House Bill No. 9 be mimeographed and copies placed on the desks of the members of the Senate.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Wass in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That S. B. No. 8 do pass.

That S. B. No. 17 do pass.

That S. B. No. 18 be amended in the title by striking out the entire title and substituting in lieu thereof the following:

A bill for an Act entitled: "An Act to repeal that certain law relating to the authorizing of commercial banks, savings banks, trust companies, and investment companies to issue non-assessable preferred stock without liability on the holder other than to pay the original subscription price, and to borrow money for capital purposes, and to obtain the consent of the stockholders to amend the Articles of Incorporation for such purposes, which said law is contained in Senate Bill No. 4 of the Extraordinary Session of the Twenty-third Legislative Assembly."

And as so amended, recommend that said S. B. No. 18 do pass.

That Senate Bill No. 20 be amended by striking from line 8 of Section 1 of the printed bill the second word "of" and inserting in lieu thereof the word "in". Also strike out the period after the word "borrow" at the end of Section 1 and insert in lieu thereof a comma (,).

Also by adding at the end of Section 1 after the word "borrow", the words "and for all other purposes of bank capital as may be required by law."

And, as so amended, recommend that said S. B. No. 20 do pass.

That House Bill No. 25 be amended in Section 1 by striking out in line 3 of the printed bill after the word "purposes", the words "the county shall receive not less than twenty per centum (20%)" and inserting in lieu thereof the words "the county commissioners shall collect an amount by them deemed proper but not in excess of twenty per centum (20%)"; and, as so amended, recommend that said H. B. No. 25 be concurred in.

That H. J. R. No. 3 be concurred in.

WASS, Chairman.

Upon motion of Senator Wass, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

The President signed in open session: Senate Substitute for Senate Bill No. 1.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Bills Nos. 14 and 16, beg leave to report that the same have this date been returned from the printer correctly printed.

GALT, Chairman.

Report adopted.

The Judiciary Committee submitted the following report:

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 26, respectfully report as follows: That House Bill No. 26 be concurred in.

CAMPBELL, Chairman.

Report adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 1:54 p. m., until 3:00 p. m.

Pursuant to recess, the Senate reconvened at 3:00 p. m.

President presiding.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

December 18, 1933.

The President of the Senate,
Senate Chamber,
Helena, Montana.

Under a decision by the Montana Supreme Court, rendered only a few days ago, it will be necessary to close public schools in a number of districts in this state unless certain remedial legislation is passed at this time. Such legislation will affect only such districts as are indebted up to or beyond the constitutional limitation.

A statute exists which permits cities and towns to operate on a cash basis under such conditions, and it is desirable, if certain of our schools are to be saved from a calamity, that similar legislation be enacted for the benefit of districts in the condition set forth.

I therefore recommend that this Extraordinary Session of the Legislative Assembly consider and enact such legislation as will extend this privilege to the school districts affected.

F. H. COONEY, Governor.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 16, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee report was this day made and, upon motion adopted:

Committee on Enrolling: H. B. No. 16, H. B. No. 23, and H. B. No. 3 were this day correctly enrolled, signed by the Speaker and the President, and delivered to the Governor.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 16, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and, upon motion, adopted:

Committee on Printing: H. B. No. 30 and H. B. No. 42 reported correctly printed.

Committee on Irrigation and Water Rights: S. B. No. 10 amended and as amended, concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 16, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and, upon motion, adopted:

Committee on Revenue and Taxation, H. B. No. 50, do not pass.

Committee on Revenue and Taxation, H. B. No. 48, do pass.

Majority of Committee on Revenue and Taxation, H. B. No. 53, be amended and as amended do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 16, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, the following bill was this day introduced, read first and second times and referred to committee:

House Bill No. 70. Introduced by Appropriations Committee: A bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-third Legislative Assembly; per diem to the officers and attaches and for incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana." Committee on Appropriations.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 16, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion of Watson of Meagher, H. B. No. 54 was taken from Committee on State Institutions, Public Buildings and Grounds, and referred to Committee on Education.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 16, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, House Bill No. 59 was ordered printed and placed on General File.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 16, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, H. B. No. 41 was re-referred to Committee on Revenue and Taxation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 16, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

H. B. No. 38 do pass.
 H. B. No. 39 do pass as amended.
 H. B. No. 44 do pass.

Senate amendments to H. B. No. 1, not concurred, conference requested.

Respectfully,

JOHN J. JEWELL,
 Chief Clerk.

December 16, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, House Bill No. 38 was segregated from the report of the Committee of the Whole.

Respectfully,

JOHN J. JEWELL,
 Chief Clerk.

December 16, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House having had under consideration business on General Orders, do report that we recommend:

S. B. No. 3 passed for the day.
 H. B. No. 39 temporarily passed.
 H. B. No. 38 enacting clause stricken.
 H. B. No. 44 temporarily passed.
 H. B. No. 37 be re-referred to Judiciary Committee.
 Senate amendments to S. B. No. 1, temporarily passed.
 S. B. No. 7 amended, and as amended concurred in.
 S. J. M. No. 1 concurred in.

Respectfully,

JOHN J. JEWELL,
 Chief Clerk.

December 16, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, passed, title and history agreed to, and the bills are herewith transmitted to the Senate for its concurrence: H. B. No. 40, Sub. H. B. No. 14, and H. J. M. No. 4.

Respectfully,

JOHN J. JEWELL,
 Chief Clerk.

December 17, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee report was this day made and, upon motion, adopted:

Committee on Judiciary, House Bill No. 64 do not pass, but that Substitute House Bill No. 64, entitled: "An Act to amend Section 2 and 5 of Chapter 100 of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, as amended by Chapter 176 of the Session Laws of 1933, relating to Tax Deeds, providing the method and procedure to be followed in applying for the Tax Deed and for the issu-

ance thereof by the County Treasurer; the redemption of said lands from the tax sale; the form of deed to be issued and the title conveyed thereby." Do pass.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 17, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and, upon motion, adopted:

Committee on Printing: Sub. H. B. No. 27, H. B. No. 43, H. B. No. 46, H. J. M. No. 3, H. B. No. 58, Sub. H. B. No. 13, H. B. No. 52 and H. B. No. 67, reported correctly printed.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 17, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following standing committee reports were this day made and, upon motion adopted:

Committee on Judiciary: H. B. No. 64 do not pass, but Sub. H. B. No. 64 do pass.

Committee on Judiciary: H. B. No. 55, be amended and as amended, do pass.

Committee on Labor: H. B. No. 65, be amended and as amended, do pass.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 17, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

- S. B. No. 10 be concurred in.
- H. B. No. 46 passed for the day.
- H. B. No. 30 be amended and as amended, do pass.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 17, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

- H. B. No. 42, do pass.
- Sub. H. B. 27, enacting clause be stricken therefrom.
- H. J. M. No. 3, do pass.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 17, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Senate amendments to H. B. No. 22, were this day concurred in and referred to Enrolling Committee.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 18, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following motion was this day adopted: "The House Committee on Rules be requested to confer with the like Senate Committee with the view of revising the Joint Rules to permit an additional forty-eight (48) hours to transmit bills from one house to the other."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 18, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the House requests a Conference Committee on Senate Amendments to House Bill No. 1.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Moved by Senator Kane, duly seconded and carried, that the President appoint a committee of three members to act with a like committee from the House to consider Senate amendments to House Bill No. 1.

The President appointed the following as Senate members of the Joint Conference Committee to consider Senate amendments to House Bill No. 1: Senators Husband, Larson, Danielsen.

Moved by Senator Kane, duly seconded and carried, that the Committee on Rules of the Senate be instructed to confer with the Committee on Rules of the House.

INTRODUCTION OF BILLS

By unanimous consent, Senate Rule No. 40 was suspended for the purpose only of introducing the following bill; which bill was by unanimous consent introduced without previous notice having been given, read first and second times, and referred:

S. B. No. 21. Introduced by Ruffcorn and Donovan. A bill for an Act entitled: "An Act to permit school districts which are indebted to the limit as provided by the constitution of the State of Montana to operate on a cash basis." Referred to the Committee on Education.

The following bills were introduced, read first and second times, and referred:

H. B. No. 40. Introduced by Moss. A bill for an Act entitled: "An Act to amend Section 97, of Chapter 105, (commonly called the Liquor Control Act), of the Twenty-third Legislative Assembly in regular session assembled, relating to the allocation and distribution of net profits, derived from the administration of the law, to the state and counties." Referred to Judiciary Committee.

Substitute for H. B. No. 14. Introduced by Committee on Townships and Counties. A bill for an Act entitled: "An Act to amend Section 571, of the Revised Codes of the State of Montana of 1921, relating to compensation of County Clerks for furnishing poll books." Referred to Committee on Counties and Towns.

H. J. M. No. 4. Introduced by Daugherty, O'Shea, Kuhl, Pilgeram, Chapman, Schuster, O'Connell, Mason, Peter Hilger, Ragen, Nass, Haight, Ueland, Parker, Fowler, Love, Lott, Balgord, Rolph, Beadle, Kruse, Lewis, Stevens, Whaley, Byrne and Green of Dawson. A Memorial to the President of the United States and Congress of the United States relating to the condition of agriculture within the United States. Referred to Committee on Agriculture.

MOTIONS AND RESOLUTIONS

Moved by Senator Holt, duly seconded and carried, that the Committee on Taxation be requested to hold its public hearings and meetings, at which important revenue and taxation measures are being considered, during the day time, in the Senate Chamber, in order that the entire body may have an opportunity to hear the various arguments and discussions affecting such measures.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 3:21 p. m., until 4:00 p. m.

Pursuant to recess, the Senate reconvened at 4:00 p. m.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Rules submitted the following report:

Mr. President: We, your Committee on Rules, having had under consideration motion relative to amendment to Joint Rule No. 23 respectfully report as follows: That by and with the approval of the House, Joint Rule No. 23, for the duration of this Extraordinary Session only, be amended to read as follows:

"Joint Rule No. 23. Transmission of Bills. No bills transmitted by the House to the Senate or by the Senate to the House after 11:59 p. m. of the 25th day of this Extraordinary Session, shall be considered, with the exception of bills considered by a Joint Conference Committee. Bills from Conference Committees may be transmitted at any time up to and including the last day of this Extraordinary Session.

Joint Rule No. 19, however, shall be in full force and applicable as to Rule No. 24."

And that as so amended, we recommend that such Rule No. 23, for this Extraordinary Session only, be adopted by the Senate and the same do pass.

KANE, Chairman.

Report adopted.

The Committee on Education submitted the following report:

Mr. President: We, your Committee on Education, having had under consideration Senate Bill No. 21, respectfully report as follows: That Senate Bill No. 21 do pass.

EATON, Chairman.

Report adopted.

The President signed in open session: Substitute for House Joint Memorial No. 1, House Joint Memorial No. 2, House Bill No. 22.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 4:10 p. m., until 10:00 a. m., Tuesday, December 19, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

TWENTY-THIRD DAY

Helena, Montana. December 19, 1933.

Senate convened at 10:00 a. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Twenty-second Legislative day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on Counties and Towns submitted the following reports:

Mr. President: We, your Committee on Counties and Towns, having had under consideration House Bill No. 29, respectfully report as follows: That House Bill No. 29 be concurred in.

THIEN, Chairman.

Report adopted.

Mr. President: We, your Committee on Counties and Towns, having had under consideration Sub. House Bill No. 14, respectfully report as follows: That Substitute for House Bill No. 14 be concurred in.

THIEN, Chairman.

Report adopted.

The Committee on Taxation submitted the following report:

Mr. President: We, your Committee on Taxation, having had under consideration Substitute for House Bill No. 5, respectfully report as follows: That Substitute for House Bill No. 5 be amended as follows: By striking out in line 3 of Section 3, of the printed bill, and in lines 5 and 6 of the original bill on page 5 thereof, after the word "decendent", and before the word "on", the following words: "which has not been distributed," and inserting in lieu thereof the words: "on which the inheritance tax has not been determined by the court." And as so amended, we recommend that the same be concurred in.

RUFFCORN, Chairman.

Report adopted.

MOTIONS AND RESOLUTIONS

Moved by Senator Kemmis, duly seconded and carried, that Senate Bill No. 16 be taken from General File and referred to the Judiciary Committee.

Moved by Senator Burr, duly seconded and carried, that Senate Bill No. 14 be withdrawn from General File.

Moved by Senator Page, duly seconded and lost by a standing vote, that House Bill No. 9 be taken from General File and referred to the Judiciary Committee.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Harris in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully recommend and report as follows:

That S. B. No. 11 do pass.

That S. J. M. No. 5 do pass.

That H. B. No. 9 be concurred in.

That H. B. No. 26 be not concurred in.

HARRIS, Chairman.

Moved by Senator Harris that the foregoing report of the Committee of the Whole be adopted; motion duly seconded.

As an amendment to the report of the Committee of the Whole, Senator Husband moved that Senate Bill No. 11 be segregated from the report; motion to amend duly seconded.

Senator Kane arose to a point of order stating that the remarks of the Seantor from Musselshell were out of order as a discussion of the contents of the bill were out of order at this time. The President sustained the point of order taken by Senator Kane.

Action was thereupon had on the motion by Senator Husband to amend the report of the Committee of the Whole by segregating Senate Bill No. 11 from the report; which motion to amend failed by the following vote:

Ayes: Angvick, Armstrong, Campbell, Carey, Carroll, Clarke, Coburn, Ekegren, Galt, Garber, Harris, Holton, Husband, Kalberg, Kemmis, Lamp, Larson, Parkin, Reed, Rowland, Simmons. Total 21.

Noes: Burr, Church, Clifford, Danielsen, Delaney, Donovan, Duncan, Eaton, Hennessy, Himsl, Holt, Jergensen, Kane, Kaulbach, Keeley, Kelsey, Kilduff, Melton, Murphy, Page, Pauline, Plank, Plumer, Putnam, Ruffcorn, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 32.

Passed: Corwin.

Absent and not voting: Cooper, MacGilvra. Total 2.

The report of the Committee of the Whole was thereupon adopted.

Moved by Senator Kane, duly seconded and carried, that Third Reading of Bills be passed.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Substitute for Senate Bill No. 19, beg leave to report that the same has this day been returned from the printer correctly printed.

GALT, Chairman.

Report adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:42 A. M., until 2:00 P. M.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:00 P. M.
President presiding.

REPORTS OF STANDING COMMITTEES

The Committee on Engrossed Bills submitted the following report:

Mr. President: We, your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 8, 17, 18 and 20, beg leave to report same back correctly engrossed.

MacGILVRA, Chairman.

Report adopted.

The Judiciary Committee submitted the following reports:

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 10, introduced by O'Connell, respectfully report as follows:

That House Bill No. 10 be concurred in.

CAMPBELL, Chairman.

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 24, introduced by Groene, respectfully report as follows:

That House Bill No. 24 be not concurred in.

CAMPBELL, Chairman.

Report adopted.

The Committee on State Boards and Offices submitted the following report:

Mr. President: We, your Committee on State Boards and Offices, having had under consideration Substitute House Bill No. 18, respectfully report as follows:

That Substitute House Bill No. 18 be amended by adding to Section 4, at the end thereof, the following: "Provided that Montana labor and material be given preference in the construction of the buildings specified herein," and as so amended, be concurred in.

CORWIN, Chairman.

Report adopted.

The Committee on Agriculture submitted the following report:

Mr. President: We, your Committee on Agriculture, having had under consideration House Joint Memorial No. 4, respectfully report as follows: That House Joint Memorial No. 4 be concurred in.

KEMMIS, Chairman.

Report adopted.

The Committee on Finance and Claims submitted the following report:

Mr. President: We, your Committee on Finance and Claims, having had under consideration House Bill No. 31, introduced by the Appropriations Committee, respectfully report as follows:

That House Bill No. 31 be amended as follows: By striking out lines 9, 10, 11 and 12 in the printed bill and lines 18, 19, 20, 21, 22 and 23 of the original bill, and substituting in lieu thereof the words and figures: "For the establishment and operating of the State Liquor Stores as authorized by Chapter 105 of the Laws of the Twenty-third Legislative Assembly, One Hundred Fifty Thousand Dollars (\$150,000.00)," and as so amended, recommend that the same be concurred in.

STAGGS, Vice-Chairman.

Report adopted.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

December 19, 1933.

The President of the Senate,
Senate Chamber,
Helena.

I have the honor to advise you that I have this day approved Senate Substitute for Senate Bill No. 1—An Act authorizing any county, city, town or school district . . . to refund its outstanding bonded indebtedness.

F. H. COONEY,
Governor.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 18, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that we are returning, herewith, the following Senate bill, concurred in as amended:

S. B. No. 10.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Moved by Senator Jergensen, duly seconded and lost by the following vote, that House amendments to Senate Bill No. 10 be concurred in:

Ayes: Jergensen.

Noes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Coburn, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson,

MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 53.

Absent and not voting: Clifford, Cooper. Total 2.

Moved by Senator Jergensen, duly seconded and carried, that the President appoint a committee of three members to act with a like committee from the House to consider House amendments to Senate Bill No. 10.

December 17, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, concurred in, as amended, title and history agreed to, and the bills are herewith transmitted to the Senate:

S. J. M. No. 1.

S. B. No. 7.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Moved by Senator Reed, duly seconded and carried by the following vote, that the Senate concur in House amendments to Senate Joint Memorial No. 1:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 55.

Noes: None.

Absent and not voting: Cooper.

Moved by Senator Wass, duly seconded and carried by the following vote, that House amendments to Senate Bill No. 7 be concurred in:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: Holton.

Absent and not voting: Cooper.

December 18, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, passed, title and history agreed to and the bills are herewith transmitted to the Senate for its concurrence:

H. B. No. 38.

H. B. No. 44.

H. J. M. No. 3.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 17, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times, passed, title and history agreed to, and the bill is herewith transmitted to the Senate for its concurrence:

H. B. No. 39.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 18, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on Revenue and Taxation—H. B. No. 63 do pass as amended.

Committee on Revenue and Taxation—H. B. No. 41, do pass as amended and ordered reprinted.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 18, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day made and, upon motion, adopted:

Committee on Engrossing—H. B. No. 38 and H. B. No. 44, considered correctly engrossed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 18, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on Printing—H. B. No. 48, H. B. No. 55, H. B. No. 53 and H. B. No. 64, reported correctly printed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 18, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on Labor—H. B. No. 20, do pass.

Committee on Education—H. B. No. 54, be printed and placed on General Orders.

Committee on Engrossing—H. J. M. No. 3, considered correctly engrossed.

Committee on Revenue and Taxation—H. B. No. 57, as amended, be printed and placed on General Orders without recommendation.

Committee on Revenue and Taxation—H. B. No. 51, reported without recommendation, printed and placed on General Orders.

Committee on Banks and Banking—H. B. No. 61, on motion, ordered printed and placed on General Orders.

Committee on Appropriations—H. B. No. 32, do pass.

Committee on Appropriations—H. B. No. 70, do pass.

Committee on Appropriations—H. B. No. 69, ordered printed and placed on General Orders.

Committee on Enrolling—Sub. H. J. M. No. 1 and H. J. M. No. 2, considered correctly enrolled.

Committee on Revenue and Taxation—H. B. No. 47, do pass.

Committee on Revenue and Taxation—H. B. No. 28, ordered printed and placed on General Orders.

Committee on Revenue and Taxation—H. B. No. 12, ordered printed and placed on General Orders.

Committee on Revenue and Taxation—H. B. No. 56, as amended, do pass.

Committee on Revenue and Taxation—H. B. No. 60, ordered printed and placed on General Orders, without recommendation.

Committee on Revenue and Taxation—H. B. No. 66, do not pass, but Sub. H. B. No. 66, do pass.

Committee on Printing—H. B. No. 34 and H. B. No. 59, reported correctly printed.

Committee on Agriculture—H. B. No. 45, do not pass.

Committee on Agriculture—S. J. M. No. 4, be concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 18, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was, upon motion, this day introduced, read first and second times and referred to committee:

H. B. No. 71, by Committee on Appropriations: A bill for an Act entitled: "An Act appropriating money for the purchase of materials, equipment and supplies to be used in connection with the repairs and alterations to the State Capitol Building and Grounds, and architects' fees in connection therewith."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 18, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion by Love, House Bill No. 28 was ordered returned from the Committee on Revenue and Taxation, printed and placed on General Orders.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 18, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, House Bill No. 30 was returned from the Engrossing Committee and re-referred to the Committee on Revenue and Taxation for correction.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bills were introduced, read first and second times, and referred:

H. B. No. 38, introduced by Stevens of Wheatland and Miller of Big Horn: A bill for an Act entitled: "An Act reducing the penalty on delinquent taxes from and after March 1, 1934, and repealing all Acts and parts of Acts in conflict herewith." Referred to Judiciary Committee.

H. B. No. 39. Introduced by Committee on Irrigation and Water Rights. A bill for an Act entitled: "An Act providing for the creation of the State Water Conservation Board; prescribing its powers and duties; providing for the construction, operation and maintenance of a system of works for the conservation, development, storage, distribution, and utilization of water, and for the acquisition of property necessary therefor; authorizing the issuance of water conservation revenue bonds of the state payable solely from the revenues of such works and the funds received from the sale or disposal of water and from the operation, lease, sale or other disposition of the works, property and facilities to be acquired out of the proceeds of such bonds; declaring that no debt of the state shall be incurred in the exercise of any of the powers granted by this Act; providing for condemnation; making an appropriation; repealing Chapter 155, of the Session Laws of 1931; and declaring an emergency." Referred to Judiciary Committee.

H. B. No. 44. Introduced by Committee on Irrigation and Water Rights. A bill for an Act entitled: "An Act designating the State Water Conservation Board as the State Planning Board and defining its duties." Referred to Committee on Irrigation and Water Rights.

H. J. M. No. 3. Introduced by O'Connell, Freudenstein and Beadle. A Memorial to the Congress of the United States of America, requesting the enactment of an adequate unemployment insurance law. Referred to Committee on Insurance.

MOTIONS AND RESOLUTIONS

Moved by Senator Kelsey, duly seconded and carried, that Substitute for House Bill No. 5 be taken from General File for today and referred to General File for tomorrow.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Taxation submitted the following report:

Mr. President: We, your Committee on Taxation, having had under consideration Substitute House Bill No. 6, introduced by Groene and Committee on Revenue and Taxation, respectfully report as follows:

That House Bill No. 6 be amended as follows:

By striking out all of the title of said Act and inserting in lieu thereof the following:

"A bill for an Act entitled: "An Act to permit the payment of delinquent taxes on real estate, and certain personal property; providing the terms and conditions thereof, and repeal of Acts and parts of Acts in conflict therewith."

By striking out all of Section 1 of said Substitute House Bill No. 6, and inserting in lieu thereof the following:

"Section 1. All taxes or assessments heretofore levied against real property, and all taxes or assessments heretofore levied against personal property and which are a lien against real property, with penalty and interest, becoming delinquent for any year or years before the year 1933, may be paid in twenty (20) equal semi-annual installments extending over a period of ten (10) years; provided that no taxes for the years 1933 or any subsequent year against the real property embraced within any such contract shall be delinquent or unpaid on the date when such contract is entered into."

That said Substitute House Bill No. 6 be amended by striking out all of subdivision 5 of Section 2 thereof, and inserting in lieu thereof the following:

"5. A certificate from the County Treasurer showing that all taxes becoming due subsequent to taxes for the year 1932 have been paid."

That Subdivision 6 of Section 2 of the Substitute House Bill No. 6 be amended by striking out the balance of line 6 beginning with the word "semi-annual" in said line, and all of lines 7 and 8.

That said Substitute House Bill No. 6 be further amended by striking out the word "amortization" in line 17 of Section 3.

That said Section 4 be further amended by striking out all of lines 20 and 21, beginning with the word "if" in line 20.

That Section 4 of the Substitute Bill No. 6 be amended by striking out in lines 25 and 26 the word "amortization" and in line 31, the word "amortization".

That said Substitute Bill No. 6 be amended by striking out all of Section 8 thereof and inserting in lieu thereof the following:

"Section 8. The first installment and each subsequent installment with interest as paid shall be credited by the County Treasurer against the amount of taxes, penalty and interest for the last year for which the taxes were delinquent until such amount shall be fully paid, and each subsequent installment with interest as paid shall be credited against the amount due for the year immediately preceding, and the crediting of installments with interest as paid shall be continued in such order until the amount payable under the contract is fully paid. Whenever the amount paid in on any contract shall be sufficient to pay off a delinquent semi-annual installment of taxes, with penalty and interest, the county treasurer shall distribute the amount of such taxes, penalty and interest to the various funds to which the same belong."

That said Substitute House Bill No. 6 be amended by striking out all of "Section 9" thereof.

That Section 10 of the Substitute House Bill No. 6 be amended by inserting in line 4 thereof, after the word "by" the words "County Treasurers for".

That Section 10 of said Substitute House Bill No. 6 be further amended by adding thereto the following:

"Provided, however, that none of the provisions of this Act shall apply to assessments for special improvements levied or assessed against property in incorporated cities or towns."

That said Substitute House Bill No. 6 be amended by numbering the Sections consecutively.

And as so amended, we recommend that the same be concurred in as amended.

RUFFCORN, Chairman.

Report adopted.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Galt in the Chair.
 Committee arose.
 Senate resumed.
 President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully recommend and report as follows:

That consideration of S. B. No. 14 be passed.
 That Senate Substitute for S. B. No. 19 do pass.
 That consideration of Substitute House Bill No. 14 be passed.
 That H. B. No. 29 be concurred in.
 That H. J. M. No. 4 be concurred in.

GALT, Chairman.

Upon motion of Senator Galt, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

The President appointed the following as Senate members to act with a like committee from the House to consider House amendments to Senate Bill No. 10: Senators Jergensen, Lamp, Holt.

With unanimous consent, the Senate reverted to:

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that all bills considered on Third Reading this day be read by title only, and be considered read at length.

The following motion was submitted:

Mr. President: We move that a Committee of three members of the Senate be appointed by the President of the Senate to make an investigation and report to the Senate not later than December 28th, 1933, as to the reason for the cancellation of Fire Insurance Contracts issued September 1st, 1932, and the acceptance of new contracts for Fire Insurance on state owned property issued May 1st, 1933, at a reported loss to the taxpayers of the State of Montana, and in addition to a reduction in Fire Insurance Protection on state owned property.

We further move that the Automobile and Casualty Insurance be investigated as to why the lowest bid on this insurance was not accepted.

HUSBAND,
 PARKIN,
 BURR,
 GARBER,
 DUNCAN.

The foregoing motion was duly seconded and carried.

Moved by Senator Donovan, duly seconded and carried, that Substitute for House Bill No. 14 be taken from General File and referred to the Judiciary Committee.

Moved by Senator Donovan, seconded and carried, that Senate Bill No. 14 be taken from General File and referred to the Judiciary Committee.

THIRD READING OF BILLS

S. B. No. 8, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 53.

Noes: Burr, Larson. Total 2.

Absent and not voting: Harris.

S. B. No. 17, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: Carroll.

Absent and not voting: Harris.

S. B. No. 18, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 55.

Noes: None.

Absent and not voting: Holton.

Senate Bill No. 20, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 55.

Noes: Carroll.

Absent and not voting: None.

H. B. No. 9, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Burr, Campbell, Carey, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Larson, MacGilvra, Melton, Murphy, Parkin, Pauline, Plank, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Willis. Total 48.

Noes: Armstrong, Carroll, Garber, Kilduff, Lamp, Page, Plumer, Wheeler. Total 8.

Absent and not voting: None.

H. B. No. 25, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 56.

Noes: None.

Absent and not voting: None.

H. J. R. No. 3, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 55.

Noes: None.

Absent and not voting: Donovan.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 4:12 p. m., until 10:00 a. m., Wednesday, December 20, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

TWENTY-FOURTH DAY

Helena, Montana. December 20, 1933.

Senate convened at 10:00 a. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Twenty-third Legislative day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on Engrossed Bills submitted the following report:

Mr. President: We, your Committee on Engrossed Bills, to whom was referred Senate Bill No. 11 and Senate Joint Memorial 5 beg leave to report same back correctly engrossed.

MacGILVRA, Chairman.

Report adopted.

With unanimous consent the Committee on State Boards and Offices was granted additional time in which to submit its report on the travel activities of State Officers and assistants between the State Capitol at Helena, Montana, and the National Capitol at Washington, D. C., between April 1st and December 1, 1933.

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Page in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That consideration of Substitute for H. B. No. 5 be passed.

That consideration of Substitute for H. B. No. 6 be passed.

That H. B. No. 10 be concured in.

That consideration of Substitute H. B. No. 18 be passed.

That consideration of H. B. No. 31 be passed.

That the Committee arise.

PAGE, Chairman.

Upon motion of Senator Page, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Moved by Senator Campbell, duly seconded and carried, that House Bill No. 31 be taken from General File and re-referred to the Committee on Finance and Claims.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 12:10 p. m., until 2:30 p. m.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:30 p. m.
President presiding.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 2:35 p. m., until 3:00 p. m.

Pursuant to recess, the Senate reconvened at 3:00 p. m.

President presiding.

The President signed in open session H. J. R. No. 3.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Engrossed Bills submitted the following report:

Mr. President: We, your Committee on Engrossed Bills, to whom was referred Substitute Senate Bill No. 19, beg leave to report same back correctly engrossed.

MacGILVRA, Chairman.

Report adopted.

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Bill No. 21, beg leave to report that the same has this date been returned from the printer correctly printed.

GALT, Chairman.

Report adopted.

The Committee on Enrolled Bills submitted the following report:

Mr. President: We, your Committee on Enrolled Bills, to whom was referred Senate Bill No. 7 and Senate Joint Memorial No. 1, beg leave to report same back correctly enrolled, and duly verified.

CLARKE, Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 19, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on State Institutions, Public Buildings and Grounds: H. B. No. 68 do pass.

Committee on Engrossing: H. B. No. 42 reported correctly engrossed.

Committee on Judiciary: Sub. H. B. No. 37 do pass.

Committee on Revenue and Taxation: H. B. No. 30 re-referred to Engrossing Committee.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 19, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on Engrossing: H. B. Nos. 58, 46, 32, reported correctly engrossed.

Committee on Revenue and Taxation: H. B. No. 36 do not pass.

Committee on Printing: H. B. Nos. 12, 28, 47, 54, 70, 34, 69, reported correctly printed.

Committee on Judiciary: H. B. No. 49 do not pass.

Committee on Judiciary: H. B. No. 72 ordered printed and placed on General Orders, without recommendation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 19, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

H. B. No. 32 do pass.

H. B. No. 43 be temporarily passed.

H. B. No. 52 be temporarily passed.

H. B. No. 48 do pass.

H. B. No. 53 enacting clause be stricken.

H. B. No. 55 do pass.

H. B. No. 59 be temporarily passed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 19, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

H. B. No. 55 do pass as amended.

H. B. No. 43 do pass as amended.

H. B. No. 52 do pass.

H. B. No. 59 do pass as amended.

Sub. H. B. No. 64 do pass as amended.

H. B. No. 67 be passed for the day.

S. J. M. No. 4 be passed for the day.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 19, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was, upon motion, this day introduced, read first and second time and referred to committee:

H. B. No. 72, by Groene by request. A bill for an Act entitled: "An Act to provide for a license tax upon goods, wares, merchandise or other personal property produced or manufactured in the State of Montana, and sold by brokers or other agents engaged by the producer or manufacturer

from without the State of Montana to sell such goods, wares, merchandise or other personal property within the State of Montana; and to provide for a penalty for the failure to pay said license tax."

Committee on Judiciary.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 19, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Senate Bills were this day introduced, red first and second time and referred to committees:

- S. B. No. 8, Committee on Federal Relations.
- S. B. No. 17, Committee on Banks and Banking.
- S. B. No. 18, Committee on Banks and Banking.
- S. B. No. 20, Committee on Banks and Banking.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 19, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, passed, title and history agreed to, and the bills are herewith transmitted to the Senate for its concurrence:

- H. B. No. 58.
- H. B. No. 46.
- H. B. No. 32.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 19, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times, passed, title and history agreed to, and the bill is herewith transmitted to the Senate for its concurrence: H. B. No. 42.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 20, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following motion by Besancon, was this day passed:

I move that when the House adjourn on Saturday of this week, it adjourn until Wednesday, December 27, at 10:00 a. m., and that the consent of the Senate to such adjournment be requested.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

INTRODUCTION OF BILLS

With unanimous consent the following bill was introduced without previous notice having been given, read first and second times, and referred:

S. B. No. 22. Introduced by Coburn, Campbell, Galt, Larson. A bill for an Act entitled: "An Act regulating the salary of vendors and also every officer, inspector, clerk or other employee to be employed by the Montana Liquor Control Board in the State of Montana." Referred to Judiciary Committee.

The following bills were introduced, read first and second times, and referred:

H. B. No. 32. Introduced by Appropriations Committee. A bill for an Act entitled: "An Act directing the State Board of Examiners, the State Auditor and the State Treasurer to transfer certain sums from and to certain accounts in the funds appropriated for the Veterans' Welfare Commission for the biennium, ending June 30, 1935, for the purpose of enabling said commission to maintain its efficiency and to properly handle the claims of disabled ex-service men for compensation under Acts of Congress." Referred to Committee on Finance and Claims.

H. B. No. 46. Introduced by Haight and Holecek. A bill for an Act entitled: "An Act to amend Section 2 and 28, of Chapter 181 of the Laws of Montana, 1933, regulating rate of personal income tax to be paid, and distribution of said tax." Referred to Committee on Taxation.

H. B. No. 58. Introduced by Byrne. A bill for an Act entitled: "An Act to prohibit and prevent the waste of crude petroleum in the State of Montana; creating an Oil Conservation Board; providing for the appointment of the members of said board, providing the powers, duties and authority of said board and the members thereof; providing for the filing and hearing of complaints concerning waste of crude petroleum and for oaths, subpoenas, and dispositions; providing for the co-operation of said board with the government of the United States and department or bureau thereof in the administration and enforcement of the National Industrial Recovery Act and any order, rule, regulation or code promulgated thereunder in so far as relates to the petroleum industry; providing for the enforcement of the Act and the rules, regulations and orders of the said board and creating a fund for the purposes of said Act and providing for the assessment and collection thereof." Referred to Committee on Oil and Leases.

H. B. No. 42. Introduced by Knowles. A bill for an Act entitled: "An Act to authorize the construction of a building or buildings for the Montana School for Deaf and Blind at Boulder, Montana, to provide for the issuance of revenue bonds for the payment thereof; to provide that such bonds shall not constitute or be a debt, liability or obligation of the state but shall be secured only by the rents or income of the buildings; to provide for the registration of such bonds; to provide for trust indenture and trustee for said bonds; to provide for the creation of a sinking fund and to define its purposes; to empower the State Board of Education to enter into all contracts and agreements necessary or incidental to the execution of its powers under this Act; to provide remedies of bondholders; and declaring an emergency." Referred to Committee on State Boards and Officers.

The President signed in open Session: Senate Joint Memorial No. 1. Senate Bill No. 7.

The President appointed the following as members of the Committee to investigate the cancellation of Fire Insurance contracts issued September 1, 1932, and the acceptance of new contracts for Fire Insurance on

state owned property issued May 1, 1933; and further to investigate why the lowest bid on automobile and casualty insurance was not accepted: Senators Parkin, Garber, Rowland.

Moved by Senator Carroll, duly seconded and carried, that a committee be appointed to report to this body what members of the Senate were receiving the payments called premiums under the old fire insurance set-up, together with the amounts thereof.

Moved by Senator Church, duly seconded and carried, that the House be requested to return House Bill No. 26 to the Senate.

Moved by Senator Husband, duly seconded and carried, that the President appoint a member of the Senate as a delegate to the Regional Conference of eleven western states to be held in Salt Lake City, Utah, in June, 1934, for the purpose of adopting uniform motor vehicle laws of registration for the various western states; with the understanding that such delegate attend conference at his own expense.

Upon motion of Senator Kane, duly seconded and carried, business on General File was passed.

Moved by Senator Donovan, duly seconded and carried, that House Bill No. 10 be taken from Third Reading and referred to the Judiciary Committee.

Moved by Senator Kane, duly seconded and carried, that all bills considered on Third Reading this day be read by title only and be considered read at length.

S. B. No. 11, having been read at length three several times, was passed by the following vote:

Ayes: Burr, Church, Clifford, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Hennessy, Himsl, Holt, Jergensen, Kane, Kaulbach, Keeley, Kelsey, Murphy, Page, Plank, Plumer, Putnam, Ruffcorn, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 30.

Noes: Angvick, Armstrong, Campbell, Carey, Carroll, Clarke, Coburn, Cooper, Ekegren, Galt, Garber, Harris, Holton, Husband, Kalberg, Lamp, Larson, Melton, Parkin, Reed, Rowland, Simmons. Total 22.

Absent and not voting: Kemmis, Kilduff. Total 2.

Passed: MacGilvra, Pauline. Total 2.

Senate Substitute for S. B. No. 19, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: None.

Absent and not voting: Kemmis, Kilduff. Total 2.

Senate Joint Memorial No. 5, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan,

Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: None.

Absent and not voting: Kemmis, Kilduff. Total 2.

H. B. No. 29, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Keeley, Kelsey, Lamp, Larson, MacGilvra, Murphy, Page, Parkin, Pauline, Plank, Putnam, Rowland, Ruffcorn, Simmons, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 48.

Noes: Armstrong, Kaulbach, Melton, Plumer, Reed. Total 5.

Absent and not voting: Kemmis, Kilduff, Sparling. Total 3.

House Joint Memorial No. 4, having been read at length three several times was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes. None.

Absent and not voting: Kemmis, Kilduff. Total 2.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Finance and Claims submitted the following report:

Mr. President: We, your Committee on Finance and Claims, to whom was referred House Bill No. 31 report as follows: Governor Cooney, Attorney General Nagle, members of the State Liquor Control Board and Mr. McLanahan secretary of the State Liquor Control Board appeared before your committee and informed them substantially as follows:

In Helena, Great Falls, Butte and Missoula arrangements have been made for the immediate establishment of State Liquor Stores with the following set-up in Missoula: Rent, \$75.00 per month; salary of manager, \$250.00 per month; salary of assistant manager, \$200.00 per month; salary of cashier, \$125.00 per month; salary of clerk whose services may or may not be needed, \$150.00 per month.

Butte: Rent, \$100.00 a month; salary of manager \$250.00 per month; salary of assistant manager \$200.00 per month; salary of cashier \$125.00 per month; salary of clerk \$150.00 per month with probability that if business develops an additional clerk may be necessary.

Helena: Rent, \$85.00 per month; salary of manager, \$250.00 per month; salary of assistant manager \$200.00 per month; salary of cashier \$125.00 per month; salary of clerk \$150.00 per month with probability that at least one additional employee will be necessary for a few days in opening the store.

Great Falls: Rent, \$100.00 per month; salary, manager \$250.00 per month; salary of assistant manager \$200.00 per month; salary of cashier \$125.00 per month; salary of clerk \$150.00 per month.

The members of the Board also informed this committee that if the \$300,000 appropriation is made immediately available that they intend to proceed and open stores in all the counties of the state as rapidly as possible and believe that in about 60 days they can have stores in all counties. They stated further that if the appropriation made available is for \$150,000 they cannot open stores in all the counties of the state until they have realized a sufficient sum out of profits to stock such stores and the estimate of the Attorney General and the Governor was that it would probably be a matter of six months or thereabouts until the stores can be opened.

The Governor also informed the committee that in mentioning the sum of \$100,000 in his proclamation he had in mind to open only a limited number of stores and then open more stores as business developed.

STAGGS, Vice-Chairman.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 4:05 p. m., for ten minutes.

Pursuant to recess, the Senate reconvened at 4:15 p. m.
President presiding.

REPORTS OF STANDING COMMITTEES

The Committee on Finance and Claims submitted the following report:

Mr. President: We, your Committee on Finance and Claims, having had under consideration House Bill No. 31, introduced by the Appropriations Committee, respectfully report as follows: That House Bill No. 31, be concurred in.

STAGGS, Vice-Chairman.

Report adopted.

Moved by Senator Kane that the report of the Committee on Finance and Claims, submitted immediately before recess, be adopted; motion duly seconded.

Senator Melton rose to a point of order stating that the report was not a proper subject for consideration and therefore not in order at this time. The President overruled the point of order taken by Senator Melton.

Thereupon the report of the Committee on Finance and Claims on House Bill No. 31, submitted immediately before recess, was adopted.

Moved by Senator Plank, duly seconded and carried, that House Bill No. 31 be placed at the top of the list of bills on General File.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Burr in the Chair.
Committee arose.
Senate resumed.
President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 31 be amended in the committee amendments by striking out the words and figures \$150,000, and inserting in lieu thereof the words and figures \$100,000.

That H. B. No. 31 be amended in the committee amendment to Section 1 of House Bill No. 31 by adding the word "stocking" after the word "establishment," and as so amended, recommend that said H. B. No. 31 be concurred in.

That consideration of House Substitute for H. B. No. 5 be passed.

That Substitute for H. B. No. 18 be concurred in.

BURR, Chairman.

Moved by Senator Burr that the foregoing report of the Committee of the Whole be adopted; motion duly seconded.

As an amendment to the report of the Committee of the Whole, Senator Keeley moved that House Bill No. 31 be segregated from the report; motion to amend duly seconded and lost by the following vote:

Ayes: Burr, Church, Clarke, Clifford, Danielsen, Delaney, Donovan, Hennessy, Holt, Jergensen, Kane, Keeley, Kelsey, Murphy, Page, Plank, Plumer, Putnam, Ruffcorn, Sparling, Walker, Wass, Willis. Total 23.

Noes: Armstrong, Campbell, Carey, Carroll, Coburn, Cooper, Corwin, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Himsl, Holton, Husband, Kalberg, Kaulbach, Kemmis, Lamp, Larson, Parkin, Pauline, Reed, Rowland, Simmons, Staggs, Thien, Wheeler. Total 29.

Absent and not voting: Angvick, Kilduff, MacGilvra, Melton. Total 4.

The report of the Committee of the Whole was thereupon adopted.

The President appointed the following as members of the committee to report to the Senate the members of the Senate who were receiving the payments called premiums under the old fire insurance set-up, together with the amounts thereof: Senators Reed, Campbell, Wass.

The President appointed Senator Husband as a delegate to the Regional Conference of eleven western states to be held in Salt Lake City, Utah, in June, 1934.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 5:16 P. M., until 10:00 A. M., Thursday, December 21, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

TWENTY-FIFTH DAY

Helena, Montana, December 21, 1933.

Senate convened at 10:00 A. M.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Twenty-fourth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on Insurance submitted the following report:

Mr. President: We, your Committee on Insurance, having had under consideration House Joint Memorial No. 3, introduced by O'Connell, Freudenstein, and Beadle, respectfully report and recommend as follows:

That House Joint Memorial No. 3 be not concurred in.

PARKIN, Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that your request for the return of House Bill No. 26 has, upon motion, been complied with, and we are returning the same herewith to you.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 20, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times, passed, title and history agreed to, and the bill is herewith transmitted to the Senate for its concurrence:

H. B. No. 28.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 20, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times, passed, title and history agreed to, and the bill is herewith transmitted to the Senate for its concurrence:

H. B. No. 70.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 20, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times, title and history agreed to, and not passed.

H. B. No. 54.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 20, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on Enrolling: H. J. R. No. 3, reported correctly enrolled.

Committee on Irrigation and Water Rights: H. J. M. No. 5 do pass.

Committee on Constitutional Amendments: H. B. No. 7, be printed and placed on General Orders without recommendation.

Committee on Federal Relations: S. J. R. No. 1, be placed on General Orders.

Committee on Federal Relations: S. J. M. No. 3, be concurred in.

Respectfully,

JOHN J. JEWELL,

Chief Clerk.

December 20, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day made and, upon motion, adopted:

Committee on Printing: Report House Bills No. 60, 41, 56, 51, 66, 57, 63 and 61, correctly printed.

Respectfully,

JOHN J. JEWELL,

Chief Clerk.

December 20, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

H. B. No. 67, consideration passed for the day.

Senate Amendments to H. B. No. 9, be concurred in.

Senate Amendments to H. B. No. 25, be concurred in.

H. B. No. 70 do pass.

H. B. No. 47 do pass.

H. B. No. 54 do pass.

Respectfully,

JOHN J. JEWELL,

Chief Clerk.

December 20, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

H. B. No. 34, consideration passed for the day.

H. B. No. 28, do pass as amended.

Respectfully,

JOHN J. JEWELL,

Chief Clerk.

December 20, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Senate Amendments to House Bills were this day concurred in.

S. A. H. B. No. 9.
S. A. H. B. No. 25.

Respectfully,
JOHN J. JEWELL,
Chief Clerk.

December 20, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following House Joint Memorial was, upon motion, this day introduced, read first and second time and referred to committee:

House Joint Memorial No. 5, by Nutting. A Memorial to the President of the United States of America requesting an investigation of water control of the Yellowstone River in Yellowstone Park. Committee on Irrigation and Water Rights.

Respectfully,
JOHN J. JEWELL,
Chief Clerk.

December 20, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following House Joint Resolution was this day signed by the Speaker:

H. J. R. No. 3.

Respectfully,
JOHN J. JEWELL,
Chief Clerk.

December 20, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following motion by Besancon, was this day passed:

I move that when the House adjourn on Saturday of this week, it adjourn until Wednesday, December 27, at 10:00 a. m., and that the consent of the Senate to such adjournment be requested.

Respectfully,
JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bills were introduced, read first and second times, and referred:

H. B. No. 28. Introduced by Replogle. A bill for an Act entitled: "An Act to amend Section 2 of Chapter 180 of the Session Laws of the Twenty-third Legislative Assembly, 1933, relating to certain license fees fixing the amount of such license fees and prescribing a method for the assessment thereof." Referred to Committee on Taxation.

H. B. No. 70. Introduced by Appropriations Committee. A bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Extraordinary Session of the

Twenty-third Legislative Assembly; per diem to the officers and attaches and for incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana." Referred to Committee on Finance and Claims.

MOTIONS AND RESOLUTIONS

Moved by Senator Church, duly seconded and carried, that the Senate reconsider its action in adopting the report of the Committee of the Whole of December 19th.

Moved by Senator Church, duly seconded and carried, that the report of the Committee of the Whole of December 19th, be amended by segregating House Bill No. 26 from the report.

Moved by Senator Church, duly seconded and carried, that the report of the Committee of the Whole of December 19th, be adopted as amended.

Moved by Senator Church, duly seconded and carried, that House Bill No. 26 be placed on General File.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion by Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Carroll in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That S. B. No. 21 do pass.

That House Substitute for House Bill No. 5 be amended by striking out in Section 4, line 6, after the word "apportioned" all the balance of said line and all of lines 7, 8, 9, 10, 11 and all of line 12 up to and including the word "society" and inserting in lieu thereof the words "to the Emergency Relief Fund of the Montana Relief Commission" and, as so amended, recommend that said House Substitute for House Bill No. 5 be concurred in.

That H. B. No. 26 be amended in Section 1, by striking out in line 7 the word "notarized."

That H. B. No. 26 be amended in Section 1, by adding in line 4 immediately after the word "who" the words "may grant an order for temporary relief, but" and by adding after the word "any" where used the second time in line 4 the word "permanent." And as so amended, recommend that said H. B. No. 26 be concurred in.

That Substitute House Bill No. 6 be amended in Section 5 by striking out in line 1 (one) the figure 8 and inserting in lieu thereof the figure 4.

That Substitute House Bill No. 6 be amended in Section 5 by striking out in line 6 of the original bill the word (eight) and inserting in lieu thereof the word (four).

That Substitute House Bill No. 6, be amended in Section 5 by striking out in line 7 of the original bill the figure "8" and inserting in lieu thereof the figure "4".

That Substitute House Bill No. 6 be amended in Section 9 as amended by Taxation Committee by inserting in line one after the "Apply" the word "Also." And, as so amended, recommend that Substitute House Bill No. 6 be concurred in.

CARROLL, Chairman.

Upon motion of Senator Carroll, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Senator Garber asked unanimous consent to introduce a bill without previous notice having been given. Senator Plumer objected to the introduction of the bill and Senator Garber was denied the right to introduce a bill without previous notice having been given.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Judiciary Committee submitted the following reports:

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 12, introduced by Clifford, respectfully report as follows: That Senate Bill No. 12 do not pass.

CAMPBELL, Chairman.

Moved by Senator Campbell that the foregoing report of the Judiciary Committee be adopted; motion duly seconded.

As a substitute motion to the motion by Senator Campbell, Senator Clifford moved that Senate Bill No. 12 be printed and placed on General File; substitute motion duly seconded and lost.

The report of the Judiciary Committee on Senate Bill No. 12 was thereupon adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 14, respectfully report as follows: That Senate Bill No. 14 be amended as follows: By striking out in Section 1, line 23 of the original bill the word and figure "six (6%)" and insert in lieu thereof the word and figure "four (4%)."

And further amend Section 1 by striking out lines 24 to 31 inclusive and inserting the following:

"Provided further that in the case of real estate, the Board of County Commissioners may in its discretion exchange said real estate for bonds issued by the Home Owners Loan Corporation, or any bonds, debentures, or other securities issued by any company or corporation organized under any Act of the Congress of the United States upon which said bonds, debentures or other securities the interest or principal is guaranteed by the United States. Such bonds may be taken at not more than the par value thereof, as to all or any part of the purchase price, all in accordance with the terms and conditions as in this Act provided; and no such bonds may be accepted for part or full payment if the purchase price shall be less than the appraised value as set by the Board of County Commissioners.

The County Treasurer shall hold such bonds, debentures or other securities and collect the interest thereon and the principal thereof when due; all money collected or received shall be distributed as hereinafter provided."

That Senate Bill No. 14 be amended by adding a new section thereto, numbered "Section 3" and to read as follows:

"Section 3. Nothing herein contained shall be held or construed as an amendment or modification of Chapter 65, Laws of 1933, and that present Section 3 of the original bill be renumbered to read "Section 4." And as so amended, we recommend that Senate Bill No. 14 do pass.

CAMPBELL, Chairman.

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 15, introduced by Carroll, respectfully report as follows: That Senate Bill No. 15, do not pass.

CAMPBELL, Chairman.

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration Substitute House Bill No. 17, introduced by Committee on State Institutions, Public Buildings and Grounds, respectfully report as follows: That Substitute House Bill No. 17, be concurred in.

Report adopted.

CAMPBELL, Chairman.

The following majority report of the Judiciary Committee was submitted:

Mr. President: We, a majority of your Committee on Judiciary, having had under consideration Senate Bill No. 22, introduced by Coburn, Campbell, Galt and Larson, respectfully report as follows: That Senate Bill No. 22, be amended by adding the following to Section 1, at the beginning thereof:

"That all salaries of vendors and assistant managers employed by the Montana Liquor Control Board shall be as follows:"

And as so amended, do pass.

CAMPBELL,
COBURN,
DUNCAN,
SIMMONS,
HUSBAND,
ROWLAND,
LAMP.

Moved by Senator Campbell that the foregoing majority report of the Judiciary Committee on Senate Bill No. 22 be adopted; motion duly seconded.

The following minority report of the Judiciary Committee was submitted:

Mr. President: We, a minority of your Committee on Judiciary, having had under consideration Senate Bill No. 22 by Campbell, Coburn, Galt and Larson; respectfully report as follows: That Senate Bill No. 22, do not pass, for the reason it does not come within the call of the Governor.

WALKER, Chairman.

As a substitute motion to the motion by Senator Campbell, Senator Walker moved the foregoing minority report of the Judiciary Committee on Senate Bill No. 22 be adopted; substitute motion duly seconded and lost.

The majority report of the Judiciary Committee on Senate Bill No. 22 was thereupon adopted.

MOTIONS AND RESOLUTIONS

Moved by Senator Garber, duly seconded and carried, that the rules be suspended for the purpose of introducing a bill without previous notice having been given.

With unanimous consent, the Senate reverted to:

INTRODUCTION OF BILLS

On motion the rules were suspended and the following bill was introduced without previous notice having been given, read first and second times, and referred:

S. B. No. 23. Introduced by Husband, Garber, Melton. A bill for an Act entitled: "An Act to amend Section 29 of Chapter 105 of the Laws of the Twenty-third Legislative Assembly of the State of Montana relating to the sale of liquor." Referred to Judiciary Committee.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 12:29 p. m., until 2:30 p. m.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:30 p. m. President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Finance and Claims submitted the following report:

Mr. President: We, your Committee on Finance and Claims, having had under consideration House Bill No. 70, respectfully report as follows: That House Bill No. 70 be concurred in.

STAGGS, Vice-Chairman.

Report adopted.

The Committee on Oil and Leases submitted the following report:

Mr. President: We, your Committee on Oil and Leases, having had under consideration House Bill No. 58, recommend that the same be concurred in.

DONOVAN, Chairman.

Report adopted.

The Committee on Employment submitted the following report:

Mr. President: We, your Committee on Employment, respectfully recommend that the following named person be appointed as an employee of the Senate organization: Samuel Joseph, as Janitor.

THIEN,
RUFFCORN,
HOLTON.

Report adopted.

The Judiciary Committee submitted the following report:

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 16, respectfully report as follows: That Senate Bill No. 16 do not pass.

CAMPBELL, Chairman.

Moved by Senator Campbell that the foregoing report of the Judiciary Committee on Senate Bill No. 16 be adopted; motion duly seconded.

As a substitute motion to the motion by Senator Campbell, Senator Burr moved that Senate Bill No. 16 be placed on General File; substitute motion duly seconded and carried by a standing vote.

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Bill No. 22, beg leave to report that the same has this date been returned from the printer correctly printed.

GALT, Chairman.

Report adopted.

The Committee on Engrossed Bills submitted the following report:

Mr. President: We, your Committee on Engrossed Bills, to whom was referred Senate Bill No. 21, beg leave to report same back correctly engrossed.

HIMSL, Vice-Chairman.

Report adopted.

The Judiciary Committee submitted the following report:

Mr. President: We, your Committee on Judiciary, to whom was referred House Bill No. 19, beg leave to report as follows:

We recommend that said bill be amended by adding after the word "city" in line 2 of Section 3 of the printed bill the words "and town," and by striking out in lines 20 and 21 of Section 3 of the printed bill the words "constitutional or legal" and inserting in lieu thereof the word "statutory."

We further recommend that the bill be amended by striking out all of Section 5 of the printed bill and inserting in lieu thereof the following:

"Section 5. (a) No lease or contract shall be entered into and no debt or liability shall be incurred or created under the provisions of this act on the part of any county, city, town, school district, public or municipal corporation, political subdivision or governmental agency, for the payment of any part of which taxes will be levied against the taxable property therein, without the approval of a majority of the qualified electors thereof whose names appear upon the last preceding assessment roll, voting at an election called for such purpose.

"(b) The council, commission, board of directors, board of trustees or governing board of any county, city, town, school district, public or municipal corporation, or other political sub-division or governmental agency of this state, desiring to make a loan and to issue its bonds for any purpose or purposes set forth in this Act, shall at any regular meeting thereof or at any special meeting called for such purpose, adopt a resolution which shall set forth the following: (a) The full amount required to be expended for any such purpose or purposes; (b) The amount of the loan to be made therefor; (c) The term over which bonds evidencing such indebtedness will extend. And said resolution shall call an election at which the question of making such loan and issuing such bonds shall be submitted to the qualified registered electors of the county, city, town, school district, public or municipal corporation, or political subdivision which is to make such loan and issue such bonds, who are taxpayers and whose names appear upon the last completed assessment roll, and fix a date for holding such election, which shall not be less than twenty (20) nor more than twenty-five (25) days from the date of the adoption of such resolution; provided such resolution may be adopted and said election

called without any petition having been presented or filed asking that the same be held. Said resolution shall be entered in full in the minutes of the board or commission, and shall show the vote by ayes and nays thereon.

"A copy of such resolution, certified by the clerk of the board or commission shall be immediately delivered to the County Clerk and said County Clerk shall thereupon close the registration books for said election at 12 o'clock noon of the fifteenth day prior to the date fixed in such resolution for holding such election, and it shall not be necessary for the County Clerk to post or publish any notice of the closing of the registration books. After the closing of the registration books for such election, the County Clerk shall promptly prepare lists of the registered electors who are taxpayers and whose names appear on the last completed assessment roll for state, county and school taxes and who are entitled to vote at such election, and shall prepare poll books for such election as provided in Section 568 Revised Codes of Montana as amended, and deliver the same to the judges of election prior to the opening of the polls for such election; provided that it shall not be necessary for the County Clerk to have the aforesaid lists of registered electors either printed or posted.

"(c) The clerk of the board calling such election shall, at least twenty days prior to the date when such election is to be held, post, or cause to be posted copies of said resolution in not less than three public places in each voting precinct, and the posting of such copies shall take the place of, and be in lieu of the publication of notice of election and posting notices of election required by the general election laws.

"Ballots for said election shall be prepared by the clerk of the board calling such election and delivered by such clerk to the judges of election, and said election shall be held and conducted, votes counted and returns made and canvassed in the manner required by the general election laws, and all provisions of such general election laws shall apply thereto, as far as the same are applicable and not in conflict with any of the provisions of this Act."

"No bonds or other evidences of indebtedness shall be sold for less than their par value with accrued interest to date of sale, and when sold to agencies of the United States may be sold without publication of notice of sale."

That said bill be further amended by adding a new section after Section 6 to be numbered Section 7, reading as follows:

"Section 7. All of the laws of this state governing the issuance and sale of bonds by counties, cities, towns, school districts, and other subdivisions of the state authorized to issue bonds under this Act, the levying of taxes for the payment of principal and interest thereof and payment and redemption thereof, insofar as the same are applicable and not in conflict with any of the provisions of this Act, shall apply to and govern all bonds issued under the provisions of this Act."

And that said bill be further amended by renumbering Section 7, of the printed bill as Section 8, Section 8 will be Section 9, and Section 9 will be Section 10.

And as so amended that said bill be concurred in.

CAMPBELL, Chairman.

Report adopted.

MOTIONS AND RESOLUTIONS

The following resolution by Senator Ekegren was submitted: Senate Resolution No. 2:

"WHEREAS, Under the Chapter 179 of the Revised Codes of Montana corporations are required to pay a net income license fee to be fixed by the State Board of Equalization based upon statements filed therein but which returns and other information pertaining thereto is not open to public inspection, (Sec. 2302),

"NOW, THEREFORE, The said Board of Equalization is hereby directed to furnish to the Senate of Montana the total amount collected for the past three years from such source of state revenue,

"AND FURTHER said board is directed to furnish to the Senate the names of all delinquent corporations with the amount due from each and the date when such corporations became delinquent and the efforts being made to collect such license fees with the prospect of collecting the same,

"AND FURTHER, That the secretary be directed to transmit a copy of this Resolution to the State Board of Equalization."

EKEGREN.

Moved by Senator Ekegren, duly seconded and carried, that the foregoing resolution be adopted.

The following resolution by Senators Eaton and Reed was submitted:

"WHEREAS this Extraordinary Session was called by the Governor with the major purpose of meeting certain emergency needs for relief and unemployment, and to pass legislation in order to enable the state to take advantage of the term of the National Recovery Act and the National Emergency Relief Act, and,

"WHEREAS after being in session approximately four weeks there appears to be no concrete information as to the amount of money necessary to meet the demands of the call, and,

"WHEREAS there have been passed by the House numerous revenue measures which are now or will be shortly before the Senate, which have for their object the securing of money to meet certain demands of the Governor for Relief and Unemployment situations;

"THEREFORE be it resolved that a committee of five be appointed by the President to compile a statement of the needs for revenue for the several purposes mentioned in the call for this Extraordinary Session together with an estimate of the approximate amount of money to be derived from the various revenue measures which have been passed, or are now under consideration by this Assembly and further be it resolved that a statement of this Special Committee containing this information together with their recommendations be placed on the desks of the members not later than the 32nd legislative day."

EATON,
REED.

Moved by Senator Eaton, duly seconded and carried, that the foregoing resolution be adopted.

The President appointed the following as members of the Special Committee to compile a statement of the needs for revenue for the several purposes mentioned in the call for this Extraordinary Session together with an estimate of the approximate amount of money to be derived from the various measures which have been passed, or are now under consideration by the assembly: Senators Reed, Holton, Eaton, Holt, Duncan.

Moved by Senator Kane, duly seconded and carried, that the Senate consent to the adjournment of the House of Representatives from Saturday, December 23, to Wednesday, December 27.

Moved, by Senator Kane, duly seconded and carried, that when the Senate adjourns on Saturday, December 23, it shall adjourn to Wednesday, December 27, and that the Senate request that the House of Representatives consent to said adjournment.

Moved by Senator Reed, duly seconded and carried, that multigraphed copies of the report of the Relief Committee be placed on the desks of the members of the Senate.

The following motion was submitted by Senator Kane:

Mr. President: I move that by and with the concurrence of the House, Joint Rule 23 be amended to read as follows:

No. 23. No bills transmitted by the House to the Senate, nor by the Senate to the House, after the 26th day of the Extraordinary Session, shall be considered, with the exception of bills considered by a Joint Conference Committee. Bills from said committees may be transmitted at any time up to and including the last day of this Session. Joint Rule No. 19, however, shall be in full force and applicable as to Rule No. 24.

KANE.

The foregoing motion by Senator Kane was duly seconded and carried.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Walker in the Chair.
Committee arose.
Senate resumed.
President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That S. B. No. 14 do pass.
That H. B. No. 70 be concurred in.
That the Committee rise.

WALKER, Chairman.

Upon motion of Senator Walker, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Moved by Senator Kane, duly seconded and carried, that House Bill No. 70 be placed at the head of the list of bills on Third Reading.

THIRD READING OF BILLS

H. B. No. 70, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 55.

Noes: None.

Absent and not voting: Cooper.

The President signed in open Session: House Bill No. 25, House Bill No. 9.

Moved by Senator Kane, duly seconded and carried, that Third Reading of Bills be passed.

With unanimous consent the Senate reverted to:

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Walker in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That S. B. No. 22 be amended in Section 4 by striking out in line two after the word "any" the word "county" and substitute the words "liquor store" and, as so amended, recommend that said S. B. No. 22 do pass.

That S. B. No. 16 do not pass.

That the committee rise.

WALKER, Chairman.

Moved by Senator Walker that the foregoing report of the Committee of the Whole be adopted; motion duly seconded.

As an amendment to the report of the Committee of the Whole, Senator Plank moved that Senate Bill No. 16 be segregated from the report; motion to amend duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Carroll, Church, Clarke, Clifford, Danielsen, Delaney, Donovan, Eaton, Ekegren, Hennessy, Himsl, Holt, Jergensen, Kane, Keeley, Kelsey, Murphy, Page, Plank, Plumer, Putnam, Ruffcorn, Sparling, Walker, Wass, Willis. Total 29.

Noes: Campbell, Carey, Coburn, Cooper, Corwin, Duncan, Galt, Garber, Harris, Holton, Husband, Kalberg, Kaulbach, Kemmis, Kilduff, Lamp, Larson, Melton, Parkin, Pauline, Reed, Rowland, Simmons, Staggs, Thien, Wheeler. Total 26.

Absent and not voting: MacGilvra.

The report of the Committee of the Whole, as amended, was thereupon adopted.

Moved by Senator Keeley, duly seconded and carried, that Senate Bill No. 16 be referred to the Committee on Dairies and Dairying with the request that the committee report its action to this body by tomorrow morning.

THIRD READING OF BILLS

S. B. No. 21, having been read at length several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kil-

duff, Lamp, Larson, Murphy, Page, Parkin, Pauline, Plank, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 52.

Noes: Plumer.

Absent and not voting: Clifford, MacGilvra, Melton. Total 3.

Moved by Senator Kane, duly seconded and carried, that Third Reading of Bills be passed for the day.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 5:19 P. M., until 10:00 A. M., Friday, December 22, 1933.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

TWENTY-SIXTH DAY

Helena, Montana, December 22, 1933.

Senate convened at 10:00 A. M.

President presiding.

Prayer by the Chaplain.

Roll call. All members present.

Quorum present.

The President signed in open Session: House Bill No. 70, House Joint Memorial No. 4, House Bill No. 29.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Twenty-fifth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, title and history agreed to, and failed to pass:

H. B. No. 13.

H. B. No. 59.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following members were this day appointed by the Speaker as a Conference Committee upon House amendments to Senate Bill No. 10: Metlen, Parker (Broadwater) and Quamme.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following motion was this day adopted:

Mr. Speaker: I move that by and with the concurrence of the Senate, Joint Rule 23 be amended to read as follows:

“No. 23. No bills transmitted by the House to the Senate, nor by the Senate to the House, after the 26th day of the Extraordinary Session, shall be considered, with the exception of bills considered by a Joint Conference Committee. Bills from said committees may be transmitted at any time up to and including the last day of this Session. Joint Rule No. 19, however, shall be in full force and applicable as to Rule No. 24. Besancon.”

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that House Bill No. 30, considered correctly printed and placed at the head of General Orders.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day made and, upon motion, adopted:

Revenue and Taxation—H. B. No. 30 do not pass, but that Substitute H. B. No. 30 do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on Banks and Banking—Senate Bill No. 19 be concurred in.

Committee on Banks and Banking—Senate Bill No. 18 be concurred in.

Committee on Banks and Banking—Senate Bill No. 17 be concurred in.

Committee on Banks and Banking—Senate Bill No. 20 be concurred in.

Committee on Revenue and Taxation—House Bill No. 67 do not pass, but that Substitute House Bill No. 67 be reported out without recommendation to be printed and placed on General Orders.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day made and, upon motion, adopted:

Committee on Engrossing—Substitute H. B. No. 64 and H. B. No. 43, reported correctly engrossed.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on Engrossing—H. B. Nos. 13, 48, 52, 55, 47, and 59 considered correctly engrossed.

Committee on Printing—H. B. Nos. 7, 20, 68, 71, and 72 considered correctly printed.

Committee on Printing—H. B. No. 30 reprinted.

Committee on Printing—H. J. M. No. 5 considered correctly printed.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration Business on General Orders, do report that we recommend:

H. B. No. 12 do pass, as amended.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration Business on General Orders, do report that we recommend:

H. B. No. 30, do pass.

H. B. No. 51, do pass.

H. B. No. 56, enacting clause be stricken.

H. B. No. 57, do pass as amended.

H. B. No. 60, do pass as amended.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration Business on General Orders, do report that we recommend:

H. B. No. 41, do pass as amended.

S. B. No. 18, be concurred in.

H. B. No. 37, do pass as amended.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, House Bill No. 12 considered correctly engrossed and placed at the head of Third Reading.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Senate Bills and Senate Joint Memorial were this day introduced, and referred to committees:

S. B. No. 11—Committee on State Boards and Officers.

Substitute for S. B. No. 19—Committee on Banks and Banking.

Senate Joint Memorial No. 5—Committee on Irrigation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, the following bill was this day introduced, read first and second times and referred to committee:

H. B. No. 73, by Committee on Appropriations: A bill for an Act entitled: "An Act to appropriate money from the State Highway Fund for the operation and maintenance of the Horticultural Division of the Department of Agriculture, Labor and Industry for the period beginning January 1, 1934, and ending June 30, 1935, and additional to and supplementing the appropriations made for such office by the Twenty-third Legislative Assembly in Regular Session." Committee on Appropriations.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Senate Bill was this day introduced, read first and second times and referred to committee:

S. B. No. 21—Committee on Education.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times, title and history agreed to, concurred in and is herewith returned to the Senate.

S. B. No. 18.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, passed, title and history agreed to, and the bills are herewith transmitted to the Senate for its concurrence:

- H. B. No. 48.
- H. B. No. 52.
- H. B. No. 55.
- H. B. No. 47.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 21, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, passed, title and history agreed to, and the bills are herewith transmitted to the Senate for its concurrence:

- Substitute H. B. No. 64.
- H. B. No. 43.

Respectfully,

JOHN J. JEWELL,
Chief Clerk

INTRODUCTION OF BILLS

The following bills were introduced, read first and second times, and referred:

H. B. No. 43. Introduced by Committee on Revenue and Taxation. A bill for an Act entitled. "An Act directing the creation of unemployment relief fund; defining the purpose thereof; directing the appointment of county relief board; defining the authority of county relief boards; creating the Montana Unemployment Relief Commission, after the Montana State Relief Commission has ceased to function; defining its powers and duties; fixing wages and hours of labor." Referred to Judiciary Committee.

H. B. No. 47. Introduced by Stephens of McCone. A bill for an Act entitled: "An Act to amend Section 2435, of the Revised Codes of Montana, 1921, relating to license taxes on vendors of oleomargarine, vendor of cigarettes, and railway warehouses; and to provide for a license tax upon the business of selling cigarettes, cigarette paper, or the material used in the making of cigarettes, except tobacco." Referred to Committee on Taxation.

H. B. No. 48. Introduced by Haight and Holecek. A bill for an Act entitled. "An Act to amend Sections 1, and 16, of Chapter 166, of the Montana Session Laws of 1933, relating to amount of license tax of corporations and providing for the distribution thereof." Referred to Committee on Corporations other than Municipal.

H. B. No. 52. Introduced by Committee on Revenue and Taxation. A bill for an Act entitled. "An Act establishing an emergency relief funds; creating a state institution to be known as Emergency Relief; defining the purpose and directing the administration thereof; and directing the distribution of money's to said fund." Referred to Judiciary Committee.

H. B. No. 55. Introduced by Watson of Meagher and Ralston. A bill for an Act entitled. "An Act to amend Chapter 109 of the Session Laws of the Twentieth Legislative Assembly of the State of Montana, relating

to the regulation and sale of gasoline and other petroleum products, by adding after Section 19, thereof, a new section to be known as Section 19A providing for the revocation by the Public Service Commission of the license to engage in the business of selling gasoline and other petroleum products issued to any person, firm, partnership, association or corporation and granting the right of appeal where such revocation is ordered." Referred to Judiciary Committee.

Substitute for H. B. No. 64. Introduced by Grabow. A bill for an Act entitled. "An Act to amend Section 2, and 5, of Chapter 100, of the Session Laws of the Twenty-first Legislative Assembly of the State of Montana of 1929, as amended by Chapter 176 of the Session Laws of 1933 relating to tax deeds providing the method and procedure to be followed in applying for the tax deed and for the issuance thereof by the County Treasurer; the redemption of said lands from tax sale; the form of deed to be issued and the title conveyed thereby." Referred to Judiciary Committee.

MOTIONS AND RESOLUTIONS

The following memorial was submitted:

SENATE MEMORIAL

Introduced by Walker, Page, Kane, Ruffcorn, Willis, Corwin, Murphy, Church.

A Memorial to the President of the United States requesting the use of copper wire in the construction of a high tension power line from Great Falls, Montana, to the Fort Peck Dam.

To His Excellency the President of the United States:

WHEREAS, The Government of the United States is about to engage in the construction of the Fort Peck Dam, a project entirely within the State of Montana; and

WHEREAS, A high tension power line 279 miles or more in length and extending from Great Falls, Montana, to the site of said dam, will be required to expedite the construction thereof; and

WHEREAS, copper wire is the best and most durable, and, in the long run, the cheapest conductor of electricity known to man; and

WHEREAS, The copper industry is one of the most important industries in the State of Montana and at the present time one of the most depressed; and

WHEREAS, There exists in the city of Great Falls a mill fully equipped to manufacture copper wire of any size and in almost any quantity; and

WHEREAS, Many miners, smelters and millmen, now out of work in the State of Montana, would be re-employed in the event copper wire were selected for use in the construction of said power line;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Montana that His Excellency the President of the United States be memorialized to order the use of Montana copper wire exclusively in the construction of a high tension power line from Great Falls, Montana, to the site of the Fort Peck Dam; and

BE IT FURTHER RESOLVED, That a copy of this memorial be immediately forwarded to His Excellency the President of the United States.

Moved by Senator Walker, duly seconded and carried, that the foregoing memorial be adopted.

Moved by Senator Kane, duly seconded and carried, that the Secretary of the Senate be authorized and requested to receive all bills transmitted from the House on or before 12 o'clock, midnight of this 26th Legislative Day.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of business on General File.

Senator Reed in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File respectfully report and recommend as follows:

That Substitute for H. B. No. 17 be concurred in.

That H. B. No. 58 be concurred in.

That H. B. No. 19 be concurred in.

REED, Chairman.

Upon motion of Senator Reed, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 10:48 a. m., until 11:15 a. m.

Pursuant to recess, the Senate reconvened at 11:15 a. m.

President presiding.

THIRD READING OF BILLS

House Substitute for H. B. No. 5, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Burr, Carey, Carroll, Clarke, Clifford, Cooper, Corwin, Danielsen, Delaney, Duncan, Eaton, Ekegren, Garber, Harris, Hennessy, Himsl, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, MacGilvra, Murphy, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass. Total 41.

Noes: Campbell, Church, Coburn, Galt, Holt, Larson, Melton, Parkin, Pauline, Wheeler, Willis. Total 11.

Absent and not voting: Donovan, Keeley, Page. Total 3.

Passed: Armstrong.

Substitute for H. B. No. 6, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Duncan, Eaton, Ekegren, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, MacGilvra,

Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 51.

Noes: Galt, Garber, Larson. Total 3.

Absent and not voting: Donovan, Keeley.

Substitute for H. B. No. 18, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 53.

Noes: None.

Absent and not voting: Donovan, Keeley, Rowland. Total 3.

H. B. No. 26, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 52.

Noes: Kilduff.

Absent and not voting: Delaney, Donovan, Keeley. Total 3.

H. B. No. 31, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Parkin, Pauline, Plank, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Wass, Wheeler. Total 47.

Noes: Clark, Holt, Kemmis, Page, Plumer, Walker, Willis. Total 7.

Absent and not voting: Donovan, Keeley.

Substitute for H. B. No. 17, having been read at length three several times was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 55.

Noes: None.

Absent and not voting: Keeley.

Moved by Senator Walker, duly seconded and carried, that Third Reading of H. B. No. 19, be passed for the day.

H. B. No. 58, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Daniels, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kilduff, Lamp, Larson, MacGivra, Melton, Murphy, Page, Parkin, Pauline, Plank, Putnam, Reed, Rowland, Ruffcorn, Sparling, Walker, Wass, Wheeler, Willis. Total 49.

Noes: Husband, Kemmis, Plumer, Simmons, Staggs, Thien. Total 6.
Absent and not voting: Keeley.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEE

The Judiciary Committee submitted the following report:

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 23, introduced by Husband, Garber and Melton, respectfully report as follows: That Senate Bill No. 23 do not pass.

CAMPBELL, Chairman.

Moved by Senator Campbell that the foregoing report of the Judiciary Committee on Senate Bill No. 23, be adopted; motion duly seconded.

As a substitute motion to the motion by Senator Campbell, Senator Garber moved that Senate Bill No. 23 be printed and placed on General File; substitute motion duly seconded and carried by a standing vote.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:58 a. m., until 1:30 p. m.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 1:30 p. m.
President presiding.

REPORTS OF STANDING COMMITTEES

The following majority report of the Committee on Dairies and Dairying was submitted:

Mr. President: We, a majority of your Committee on Dairies and Dairying, having had under consideration Senate Bill No. 16, respectfully report as follows: That Senate Bill No. 16 be amended as follows: By amending the title by adding in line 9 of the original bill after the word "Act"; to create a State Industrial Recovery Board; and by striking out in line 9 the word "Governor" and inserting in lieu thereof the word "Board" and by striking out in line 12 the words "including authority to appoint" and by striking all of line 13 of the original bill.

That Senate Bill No. 16 be amended in Section 2 by inserting after the word "Montana," line 6 of the engrossed bill and line 3 of the printed bill, the following:

Together with the Attorney General, Commissioner of Agriculture, State Veterinarian, one representative of the Montana Federation of Labor, one representative of the Associated Industries of Montana and one representative of any nationally recognized organization of farmers, organized in the State of Montana. And by striking out in line 6 the words "is hereby authorized to appoint" and inserting in lieu thereof "are hereby designated."

Amend Section 2 by adding a new paragraph to be known as Paragraph B as follows:

(b) Not later than twenty days after the passage and approval of this Act, the Governor, the Attorney General, the Commissioner of Agriculture and the State Veterinarian shall meet and appoint one representative of the Montana Federation of Labor, one representative of the Associated Industries of Montana, and one representative of any nationally recognized organization of farmers organized in the State of Montana, who shall be members of the State Industrial Recovery Board.

Also in Senate Bill No. 16 further amend Section 2 by adding another paragraph known as Paragraph c as follows:

(c) The term Board as hereinafter used in this Act shall mean the State Industrial Recovery Board. That Section 3 be amended in line 12 of the original bill by striking out the word "Governor" and inserting the word "Board."

That Section 3 be amended in line 13 original bill by striking out the word "Governor" and inserting the word "Board."

That Section 3 be amended in line 16 original bill by striking out the words "he finds" and inserting in lieu thereof the words "they find."

That Section 3 be amended in line 29 original bill by striking out the word "Governor" and inserting in lieu thereof the word "Board."

That Section 3 be amended in line 30 original bill by striking out the word "Governor" and inserting in lieu thereof the word "Board."

That line 3, page 3, of the original bill be amended by striking out the word "he" and insert in lieu thereof the word "they."

That line 3, page 3, of the original bill be amended by striking out the word "his" and insert in lieu thereof the word "their."

That line 6, page 3, of the original bill be amended by striking out the word "Governor" and insert in lieu thereof the word "Board."

That line 7, page 3, of the original bill be amended by striking out the word "Governor" and insert in lieu thereof the word "Board."

That line 12 of the original bill be amended by striking out the word "his" and insert in lieu thereof the word "their."

That line 13, page 3, of the original bill be amended by striking out the word "Governor" and insert in lieu thereof the word "Board."

That line 16, page 3, of the original bill be amended by striking out the word "him" and insert in lieu thereof the word "them."

That line 17, page 3, of the original bill be amended by striking out the word "he" and insert in lieu thereof the word "they."

That line 17, page 3, of the original bill be amended by striking out the word "he" and insert in lieu thereof the word "they."

That line 19, page 3, of the original bill be amended by striking out the word "him" and insert in lieu thereof the word "them."

That line 22, page 3, of the original bill be amended by striking out the word "Governor" and insert in lieu thereof the word "Board."

That line 29, page 3, of the original bill be amended by striking out the word "Governor" and insert in lieu thereof the word "Board."

That Section 4 be amended in line 1, page 4, of the original bill by striking out the word "his" and inserting in lieu thereof the word "their."

That Section 4 be amended in line 5, page 4, of the original bill by striking out the word "Governor" and inserting in lieu thereof the word "Board."

That Section 4 be amended in line 8, page 4, of the original bill by striking out the word "he" and inserting in lieu thereof the word "they."

That Section 4 be amended in line 15, page 4, of the original bill by striking out the word "Governor" and inserting in lieu thereof the word "Board."

That Section 4 be amended in line 16, page 4, of the original bill by striking out the word "Governor" and inserting in lieu thereof the word "Board."

That Section 4 be amended in line 18, page 4, of the original bill by striking out the word "Governor" and inserting in lieu thereof the word "Board."

That Section 5 be amended in line 12, page 5, of the original bill by striking out the word "Governor" and inserting in lieu thereof the word "Board."

That Section 5 be amended in line 13, page 5, of the original bill by striking out the word "Governor" and inserting in lieu thereof the word "Board."

That Section 5 be amended in line 21, page 5, of the original bill by striking out the word "him" and inserting in lieu thereof the word "them."

That Section 5 be amended in line 22, page 5, of the original bill by striking out the word "him" and inserting in lieu thereof the word "them."

That Section 5 be amended in line 24, page 5, of the original bill by striking out the word "Governor" and inserting in lieu thereof the word "Board."

That Section 5 be amended in line 24, page 5, of the original bill by striking out the word "he" and inserting in lieu thereof the word "they."

That Section 5 be amended in line 27, page 5, of the original bill by striking out the words "he finds" and inserting in lieu thereof the words "they find."

That Section 5 be amended in line 27, page 5, of the original bill by striking out the words "he is" and inserting in lieu thereof the words "they are."

That Section 5 be amended in line 30, page 5, of the original bill by striking out the word "he" and inserting in lieu thereof the words "the Board."

That Section 5 be amended in line 32, page 5, of the original bill by striking out the word "him" and inserting in lieu thereof the word "them."

That Section 5 be amended in line 1, page 6, of the original bill by striking out the word "Governor" and inserting in lieu thereof the word "Board."

That Section 7 be amended in line 27, page 6, of the original bill by striking out the word "Governor" and inserting in lieu thereof the word "Board."

That Section 7 be amended by striking out in line 31 the words and figures "\$1000.00 one thousand dollars," and insert in lieu thereof the words "\$500.00 five hundred dollars."

That Section 7 be amended by striking out in line 1, page 7, of the original bill the word "Governor" and inserting in lieu thereof the word "Board."

That Senate Bill No. 16 be further amended by striking out all of Section 8 and renumber Section 9 to read Section 8, and as so amended we recommend Senate Bill No. 16 for passage.

ANGVICK,
KANE,
JERGENSEN.

Moved by Senator Angvick that the foregoing majority report of the Committee on Dairies and Dairying on Senate Bill No. 16 be adopted; motion duly seconded.

The following minority report of the Committee on Dairies and Dairying was submitted:

Mr. President: We, a minority of your Committee on Dairies and Dairying, having had under consideration Senate Bill No. 16, respectfully report as follows: That Senate Bill No. 16 do not pass.

LAMP,
CAREY.

As a substitute motion to the motion by Senator Angvick, Senator Lamp moved that the foregoing minority report of the Committee on Dairies and Dairying on Senate Bill No. 16 be adopted; substitute motion duly seconded and lost by the following vote:

Ayes: Campbell, Carey, Coburn, Cooper, Corwin, Duncan, Ekegren, Galt, Garber, Harris, Holt, Husband, Kalberg, Kaulbach, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Parkin, Pauline, Reed, Simmons, Staggs, Wheeler. Total 26.

Noes: Angvick, Armstrong, Burr, Carroll, Church, Clarke, Clifford, Danielsen, Delaney, Donovan, Eaton, Himsl, Holton, Jergensen, Kane, Kelsey, Murphy, Page, Plank, Plumer, Putnam, Ruffcorn, Sparling, Thien, Walker, Wass, Willis. Total 27.

Absent and not voting: Hennessy, Keeley, Rowland. Total 3.

The majority report of the Committee on Dairies and Dairying on Senate Bill No. 16 was thereupon adopted.

The Committee on Engrossed Bills submitted the following report:

Mr. President: We, your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 14 and 22, beg leave to report same back correctly engrossed.

MacGILVRA, Chairman.

Report adopted.

The Committee on Enrolled Bills submitted the following report:

Mr. President: We, your Committee on Enrolled Bills, to whom was referred Senate Bill No. 18, beg leave to report same back correctly enrolled and duly verified.

CLARKE, Chairman.

Report adopted.

REPORTS OF SELECT COMMITTEES

The following Joint Conference Committee report was submitted:

Mr. President: We, your Conference Committee, met with the House Committee today and having had under consideration Senate Bill No. 10, respectfully report as follows: That Senate Bill No. 10 be recommended for concurrence in its original form without the House amendment.

JERGENSEN,
LAMP,
HOLT,

Senate Committee.

METLEN,
PARKER (Broadwater),
QUAMME,

House Committee.

Moved by Senator Jergensen, duly seconded and carried, that the foregoing Joint Conference Committee report be adopted.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

December 22, 1933.

The President of the Senate,
Senate Chamber,
Helena.

I have the honor to advise you that I have this day approved the following measures:

S. B. No. 7—Relating to the registration of motor vehicles.

S. J. M. No. 1—Requesting the establishment of an assay office at some appropriate point in the State of Montana.

F. H. COONEY,
Governor.

MOTIONS AND RESOLUTIONS

The following memorial was submitted:

MEMORIAL

By Senators Larson and Harris: A memorial to the President of the United States and to the Senators and Congressmen from the State of Montana requesting that the proposed processing tax on wool be not levied or assessed.

To His Excellency, the President of the United States, and to the United States Senators and Congressmen from Montana:

WHEREAS, the wool production industry is one of the most important industries in the State of Montana; and

WHEREAS, the cotton produced in the United States is so much greater than domestic consumption that its market price is fixed by the foreign markets; and

WHEREAS, any competition there may be between domestic wool and domestic cotton has but little, if any, effect on the price of cotton; and

WHEREAS, the proposed processing tax on wool would not, we feel, help the price of cotton in the world markets, and therefore would not help the price of domestic cotton; and

WHEREAS, we feel that the proposed processing tax on wool would only tend to depress the consumption of wool and not help the price of cotton controlled by the world markets; and

WHEREAS, such decrease in consumption of wool would tend to destroy the wool industry in the State of Montana:

NOW, THEREFORE, Be it Resolved by the Senate of the State of Montana, that His Excellency, the President of the United States, and the United States Senators and Congressmen from Montana, be memorialized to withhold the levy of any processing or compensating tax upon wool or wool products;

BE IT FURTHER RESOLVED, That a copy of this memorial be immediately forwarded to His Excellency, the President of the United States, and to the United States Senators and Congressmen from Montana.

Moved by Senator Larson, duly seconded and carried, that the foregoing memorial be adopted.

Moved by Senator Walker, duly seconded and carried, that House Bill No. 19 be placed on Third Reading of Bills.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Sparling in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That S. B. No. 16 do not pass.

SPARLING, Chairman.

Moved by Senator Sparling, duly seconded and carried, that the foregoing report of the Committee of the Whole be adopted; motion duly seconded.

As a substitute motion to the motion by Senator Sparling, Senator Kane moved that Senate Bill No. 16 be placed on Third Reading; substitute motion duly seconded and lost by the following vote:

Ayes: Angvick, Armstrong, Burr, Carroll, Clifford, Danielsen, Delaney, Donovan, Himsl, Jergensen, Kane, Keeley, Kelsey, Murphy, Page, Plank, Plumer, Putnam, Ruffcorn, Sparling, Walker, Wass. Total 22.

Noes: Campbell, Carey, Clarke, Coburn, Cooper, Duncan, Ekegren, Galt, Garber, Harris, Holt, Holton, Husband, Kalberg, Kaulbach, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Parkin, Pauline, Reed, Rowland, Simmons, Staggs, Thien, Wheeler. Total 29.

Absent and not voting: Church, Corwin, Eaton, Hennessy, Willis. Total 5.

The report of the Committee of the Whole was thereupon adopted.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Bill No. 23, beg leave to report that the same has this date been returned from the printer correctly printed.

GALT, Chairman.

Report adopted.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Sparling in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That Senate Bill No. 23 be amended in Section 1 of Senate Bill No. 23 by striking out lines 12 to 22 inclusive of original bill and substitute therefor the following:

"Section 29: Any registered pharmacists shall be permitted to sell liquor in one drug store in any incorporated city or town, provided he furnish a bond of One Thousand (\$1,000) Dollars and secure liquor through the State Liquor Control Board.

"Liquor defined under this Act shall constitute all alcoholic, spirituous or vinous liquors, other than beer, ale, stout or other malt liquor of the same nature, containing any alcoholic content. All sales shall be made at wholesale to such pharmacists at prices to be determined by the board, which prices shall be uniform to all purchasers under similar conditions. Differentials may be established, based upon quantities purchased, and the board shall publish the wholesale prices of liquor not less than once a month in a newspaper to be designated by the board in each county wherein pharmacists may be licensed. Any pharmacist engaged in the retail merchandising business of this state, shall, if otherwise qualified, be entitled to purchase a license to sell liquor at retail as herein provided upon the payment to the Montana Liquor Control Board of the sum of Two Hundred (\$200) Dollars per calendar year; provided, that any license issued in the year 1933 shall not expire until December 31, 1934. Such licenses shall be printed in duplicate in such form as the board may prescribe, and shall be numbered consecutively. The board shall authorize the issuance thereof to pharmacists entitled thereto. Such licenses shall be issued in duplicate and signed by the chairman and secretary of the board. The original shall be delivered to the pharmacist, one copy thereof shall be filed in the office of the board. All liquor sold to pharmacists must carry a gallonage stamp tax at the rate of \$1.00 per gallon, or if in smaller amounts, at the same ratio, so affixed to each bottle as to seal the bottle. All stamps to be affixed at the state owned wholesale liquor stores and paid for at the time of sale.

"No person who has been convicted of an offense against the Volstead Act or the internal revenue laws of the United States shall be qualified to purchase a retail license, or to be employed in any store, where such liquor is sold, in any capacity.

"No pharmacist who holds a license under the laws of this state authorizing the sale and distribution of beer, either in draught or in bottles, to the public to be served and consumed on the premises of the vendor, shall be permitted to obtain a retail license hereunder.

"All liquors sold hereunder shall be in the original container as received from the Board and in quantities of not less than one-half pint, and no liquors sold hereunder by any pharmacist shall be consumed by any person on the premises of said vendor. All pharmacists must display the vendor's license herein required in a conspicuous place in his place of business. Licenses shall not be issued to any minors, nor shall any vendor sell liquors to any minors, or to any person visibly intoxicated."

That S. B. No. 23 be amended by striking out all of Section 3 thereof and inserting in lieu thereof the following:

"Section 3. An emergency is hereby declared to exist and this Act is hereby declared to be necessary for the immediate preservation of the public peace, health and safety and shall take effect and be in full force and effect from and after its passage and approval."

And, as so amended, recommend that S. B. No. 23 do pass.

SPARLING, Chairman.

Upon motion of Senator Sparling, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

The President signed in open session: Senate Bill No. 18.

Moved by Senator Kane, duly seconded and carried, that the clerical error in the Committee of the Whole amendment to Senate Bill No. 23 be corrected by changing the figures 24 to 22.

Moved by Senator Kane, duly seconded and carried, that Senate Bill No. 23 be considered correctly engrossed and placed on Third Reading.

THIRD READING OF BILLS

S. B. No. 14, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Danielsen, Delaney, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kelsey, Kemmis, Lamp, Larson, MacGilvra, Melton, Murphy, Parkin, Pauline, Plank, Plumer, Reed, Ruffcorn, Simmons, Sparling, Staggs, Walker, Wass, Wheeler, Willis. Total 45.

Noes: Burr.

Absent and not voting: Corwin, Donovan, Hennessy, Kaulbach, Keeley, Kilduff, Page, Putnam, Rowland, Thien. Total 10.

S. B. No. 22, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Campbell, Carey, Coburn, Cooper, Delaney, Duncan, Ekegren, Galt, Garber, Harris, Himsl, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kemmis, Lamp, Larson, MacGilvra, Melton, Parkin, Pauline, Reed, Simmons, Wass, Wheeler. Total 30.

Noes: Burr, Carroll, Church, Clifford, Danielsen, Holt, Keeley, Kelsey, Murphy, Plank, Plumer, Ruffcorn, Sparling, Walker, Willis. Total 15.

Absent and not voting: Clarke, Corwin, Donovan, Eaton, Hennessy, Kilduff, Page, Putnam, Rowland, Staggs, Thien. Total 11.

H. B. No. 19, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Burr, Campbell, Carey, Church, Clifford, Coburn, Cooper, Danielsen, Delaney, Duncan, Ekegren, Galt, Garber, Harris, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Lamp, Larson, MacGilvra, Melton, Murphy, Parkin, Pauline, Plank, Reed, Ruffcorn, Simmons, Sparling, Walker, Wass, Wheeler, Willis. Total 41.

Noes: Armstrong, Carroll, Kemmis, Plumer. Total 4.

Absent and not voting: Clarke, Corwin, Donovan, Eaton, Hennessy, Kilduff, Page, Putnam, Rowland, Staggs, Thien. Total 11.

S. B. No. 23, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Carey, Church, Clarke, Coburn, Cooper, Delaney, Duncan, Ekegren, Galt, Garber, Harris, Himsl, Holt, Husband, Kaulbach, Keeley, Larson, MacGilvra, Melton, Parkin, Pauline, Reed, Simmons, Staggs, Willis. Total 27.

Noes: Burr, Campbell, Carroll, Clifford, Danielsen, Holton, Jergensen, Kalberg, Kane, Kelsey, Lamp, Murphy, Plank, Plumer, Ruffcorn, Sparling, Walker, Wass, Wheeler. Total 19.

Absent and not voting: Corwin, Donovan, Eaton, Hennessy, Kemmis, Kilduff, Page, Putnam, Rowland, Thien. Total 10.

With unanimous consent, the Senate reverted to:

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that the Secretary be instructed to prepare a status of all bills in the Senate at the time of adjournment on Saturday, December 23, and that copies be placed on the desk of each member.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 4:46 p. m., until 9:00 a. m., Saturday, December 23, 1933.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

TWENTY-SEVENTH DAY

Helena, Montana. December 23, 1933.

Senate convened at 9:00 a. m.
President presiding.
Prayer by the Chaplain.
Roll call. All members were present.
Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Twenty-sixth Legislative day and have found the same correct.

GARBER, Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, title and history agreed to and concurred in:

Substitute S. B. No. 19.
S. B. No. 20.

Respectfully,
JOHN J. JEWELL,
Chief Clerk.

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times, title and history agreed to, passed, and the bill is herewith transmitted to the Senate for its concurrence:

Substitute for Sub. H. B. No. 13.

Respectfully,
JOHN J. JEWELL,
Chief Clerk

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, passed, title and history agreed to, and the bills are herewith transmitted to the Senate for its concurrence.

Substitute H. B. No. 30.
H. B. No. 41.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, title and history agreed to, passed, and the bills are hreewith transmitted to the Senate for its concurrence.

Sub. H. B. No. 37.
H. B. No. 60.
H. B. No. 34.
H. B. No. 20.
H. J. M. No. 5.
Sub. H. B. No. 67.
H. B. No. 71.
H. B. No. 66.
H. B. No. 12.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times, title and history agreed to, passed, and the bill herewith transmitted to the Senate for its concurrence:

H. B. No. 65.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, passed, title and history agreed to, and the bills are herewith transmitted to the Senate for its concurrence:

H. B. No. 51.
H. B. No. 69.
H. B. No. 57.
H. B. No. 72.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bills were introduced, read first and second times and referred:

H. B. No. 12. Introduced by Replogle. A bill for an Act entitled: "An Act levying a license tax on the gross proceeds of electricity and electrical energy, generated, manufactured or produced in the State of Montana, for barter, sale, or exchange and providing for the collection of such taxes and prescribing penalties for the violation of this Act." Referred to Committee on Taxation.

Sub. for Sub. H. B. No. 13. Introduced by Groene and Rev. and Tax. Commission. A bill for an Act entitled: "An Act to regulate the operation of slot machines and punch boards; to provide when the operation thereof shall be illegal; to provide for the license fee therefor and the disposition thereof; and to repeal all Acts and parts of Acts in conflict therewith." Referred to Committee on Public Morals.

H. B. No. 20. Introduced by Mulholland. A bill for an Act entitled. "An Act prescribing the operating hours of retail stores and wholesale warehouses; defining the terms used therein; classifying grocery, cigar and candy stores, stating the exemptions from the provisions of the Act and providing for a violation thereof." Referred to Committee on Labor and Capital.

Sub. H. B. No. 30. Introduced by Committee on Revenue and Taxation. A bill for an Act entitled: "An Act relating to the licensing and regulation of the manufacture, sale and distribution of beer and other similar beverages, and to amend Sections 2, 3, 9, 13, 14, 17, 18, 20, 28, 30, 32, 45, 48 and 49, and to repeal Sections 21, 22, 23, 24, 25, 26, 27, 38, 39, 41, 42 and 43 of Chapter 106, Laws of 1933, relating thereto." Referred to Judiciary Committee.

H. B. No. 34. Introduced by McDermott. A bill for an Act entitled. "An Act regulating the hours of labor of drivers and attendants of motor busses, and motor trucks in the State of Montana; defining the term 'attendant' and fixing penalties for the violation of the provisions of this Act." Referred to Committee on Labor and Capital.

Sub. H. B. No. 37. Introduced by Replogle. A bill for an Act entitled. "An Act relating to certain license fees to be paid by collecting agents and other persons, firms or corporations (other than attorney-at-law) engaged in collection of bills, notes or accounts; and fixing license fees thereof and prescribing a penalty for failure to pay said license fee or otherwise failing to comply with the provisions herein." Referred to Committee on Taxation.

H. B. No. 41. Introduced by Nass and O'Connell. A bill for an Act entitled: "An Act to amend Sections 5, 7, 8 and 10, of Chapter 155, Laws of the Twenty-third Legislative Assembly, relating to license fees for opening, establishing, operating or maintaining one or more stores." Referred to Committee on Taxation.

H. B. No. 51. Introduced by O'Connell. A bill for an Act entitled. "An Act amending Section 1, and Section 4, of Chapter 174, of the Session Laws of 1933, requiring every person, firm, co-partnership, association, joint stock company, syndicate and corporation engaged in or carrying on the business of constructing, maintaining, and operating telephone lines and telephone instruments within the State of Montana, to pay license taxes and providing penalties." Referred to Committee on Taxation.

H. B. No. 57. Introduced by Pilgeram. A bill for an Act entitled. "An Act to provide a license tax on all persons, associations or corporations owning or operating a telephone or telegraph business in this state." Referred to Judiciary Committee.

H. B. No. 60. Introduced by Beadle. A bill for an Act entitled. "An Act requiring all persons, co-partnerships, firms, associations, joint stock companies, syndicates and corporations engaged in, or carrying on, the business in the state of contracting, or who shall enter into construction or improvement contracts to pay to the State Board of Equalization certain

license taxes for engaging in, carrying on, and entering into such business in this state; fixing the amount of such license taxes; providing a method for the assessment, collection and disposition thereof; and providing penalties for the violation of this Act." Referred to Committee on Taxation.

H. B. No. 65. Introduced by Beadle and O'Connell. A bill for an Act entitled. "An Act to permit all contracts for state, county, municipal and school construction or repair work and maintenance to contain provisions conforming to the 'National Industrial Recovery Act' or other Federal statutes providing for minimum wages, hours of labor and other restrictions concerning employment designed to reduce unemployment and declaring an emergency to exist, and repealing all Acts and parts of Acts in conflict herewith." Referred to Committee on Federal Relations.

Sub. H. B. No. 66. Introduced by Committee on Revenue and Taxation. A bill for an Act entitled. "An Act defining cosmetics and kindred products; providing a license to engage in the business of selling the same; providing a license tax on the retail price of such cosmetics or kindred products sold or given away; providing for the payment and distribution of such license fee and license tax and providing for the regulation of the sales thereof, the enforcement of such tax and license, and penalty for violation of this Act; and defining the duties of state and county officials." Referred to Judiciary Committee.

Sub. H. B. No. 67. Introduced by Rognlien. A bill for an Act entitled. "An Act to provide emergency relief by the creation of high school districts in counties having county high schools, and authorizing the boards of trustees of said high school districts to borrow money and to enter into contracts and arrangements for the repair and construction of buildings and public works, providing for elections and procedure to be followed by high school districts." Referred to Committee on Education.

H. B. No. 69. Introduced by Cusker. A bill for an Act entitled. "An Act to refund to beer licensees on Indian Reservations where licensees are prohibited from operating by reason of regulations of the Federal Government and providing an appropriation therefor." Referred to Committee on Federal Relations.

H. B. No. 71. Introduced by Appropriations Committee. A bill for an Act entitled: "An Act appropriating money for the purchase of materials, equipment and supplies to be used in connection with the repairs and alterations to the state capitol buildings and grounds, and architects' fees in connection therewith." Referred to Committee on Finance and Claims.

H. B. No. 72. Introduced by Groene by request. A bill for an Act entitled: "An Act to provide for a license tax upon goods, wares, merchandise or other personal property produced or manufactured in the State of Montana and sold by brokers or other agents engaged by the producer or manufacturer from without the State of Montana to sell such goods, wares, merchandise or other personal property within the State of Montana; and to provide for a penalty for the failure to pay said license tax." Referred to Committee on Taxation.

H. J. M. No. 5. Introduced by Nutting. "A Memorial to the President of the United States of America requesting an investigation of water control of the Yellowstone River in Yellowstone Park." Referred to Committee on Irrigation and Water Rights.

MOTIONS AND RESOLUTIONS

The following motion was submitted:

Mr. President: We move that the House be requested to appoint a committee to act jointly with the Senate Committee investigating the cancellation and reletting of State Fire Insurance and Automobile Insurance.

PARKIN,
GARBER.

The foregoing motion was duly seconded and carried.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 9:31 a. m., subject to the call of the Chair.

Pursuant to recess, the Senate reconvened at 9:32 a. m.

President presiding.

With unanimous consent, the Senate reverted to:

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

December 22, 1933.

The President of the Senate,
Senate Chamber,
Helena, Montana.

I have the honor to advise you that I have this day approved Senate Bill No. 18, an Act repealing Senate Bill No. 4, passed at this Extraordinary Session.

F. H. COONEY, Governor.

The Committee on Enrolled Bills submitted the following report:

Mr. President: We, your Committee on Enrolled Bills, to whom was referred Senate Sub. for S. B. 19 and S. B. 20 beg leave to report same back correctly enrolled and duly verified.

CLARKE, Chairman.

Report adopted.

The President signed in open session: Senate Substitute for Senate Bill No. 19, Senate Bill No. 20.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 11:10 a. m., until 1:00 p. m., Wednesday, December 27, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

THIRTY-FIRST DAY

Helena, Montana. December 27, 1933.

Senate convened at 1:00 p. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present except: Carroll, Coburn, Ekegren, Galt, Harris, Husband, Parkin, Plank, Rowland, Thien, Wheeler, excused.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Twenty-seventh Legislative Day and have found the same correct.

GARBER, Chairman.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

December 23, 1933.

The President of the Senate,
Senate Chamber,
Helena, Montana.

I have the honor to advise you that I have this day approved the following measures:

S. Sub. for S. B. 19.—Providing for the amendment of the articles of incorporation of any commercial bank, etc.

S. B. No. 20—Authorizing commercial banks, etc., to issue and negotiate capital notes or debentures and to borrow money for capital purposes.

F. H. COONEY, Governor.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made, and, upon motion, adopted:

Committee on Engrossing: Sub. H. B. No. 30, considered correctly engrossed.

Committee on Engrossing: Sub. H. B. No. 37, considered correctly engrossed.

Committee on Engrossing: H. B. No. 12, considered correctly engrossed.

Committee on Engrossing: H. B. No. 41, considered correctly engrossed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on Revenue and Taxation: Sub. for Sub. H. B. No. 13, do pass as amended.

Committee on Printing: H. B. No. 20, H. B. No. 68, H. B. No. 71 and H. B. No. 72, considered correctly printed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the whole House, having had under consideration business on General Orders, do report that we recommend:

H. B. No. 72, enacting clause stricken.
 Sub. H. B. No. 37, do pass as amended.
 H. B. No. 65, do pass.
 H. J. M. No. 5, do pass.
 Sub. for Sub. H. B. No. 13, do pass.

Respectfully,

JOHN J. JEWELL,
 Chief Clerk.

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

H. B. No. 67, do pass as amended.
 H. B. No. 7, do pass as amended.
 H. B. No. 20, do pass as amended.
 H. B. No. 68, do pass.
 H. B. No. 71, do pass.

Respectfully,

JOHN J. JEWELL,
 Chief Clerk.

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

Sub. S. B. No. 19, be concurred in.
 S. B. No. 20, be concurred in.

Respectfully,

JOHN J. JEWELL,
 Chief Clerk.

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

H. B. No. 34, do pass as amended.

Respectfully,

JOHN J. JEWELL,
 Chief Clerk.

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration Business on General Orders, do report that we recommend:

Sub. for Sub. H. B. No. 13—Re-referred to Committee on Revenue and Taxation.

H. B. No. 61—Consideration passed temporarily.
 H. B. No. 66—Do pass as amended.

H. B. No. 69—Do pass.

H. B. No. 63—Do pass as amended.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration Business on General Orders, do report that we recommend:

H. B. No. 61, do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, Sub. for Sub. H. B. No. 13, Substitute for S. B. No. 19 and S. B. No. 20, were placed on General Orders.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, duly seconded and carried, the following bill was this day introduced, read first and second times and referred to committee:

H. B. No. 74, by Haight by request: A bill for an Act entitled: "An Act to amend Section 9428 of the Revised Codes of Montana, 1921, providing that church property used for holding church services shall be exempt from judgment." Committee on Judiciary.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, Sub. H. B. No. 37 was taken from Third Reading and placed on General Orders; and, upon motion, H. B. No. 65 placed on General Orders.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, Substitute for Substitute H. B. No. 13 was placed on General Orders.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills have this day been signed by the Governor:

House Bill No. 9; House Bill No. 25; House Bill No. 29; House Bill No. 70; and House Joint Memorial No. 4.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, title and history agreed to, passed, and the bills are herewith transmitted to the Senate for its concurrence:

H. B. No. 68.

H. B. No. 61.

H. B. No. 63.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Delivered Dec. 27th, 11:40 A. M.

JOHN J. JEWELL,
Chief Clerk.

Senator Keeley rose to a point of order objecting to the introduction of House Bill No. 63, stating that the time had elapsed for the transmittal of bills between the House and the Senate and the Senate and the House in accordance with Joint Rule No. 23, as amended for the duration of the Extraordinary Session only. The President sustained the point of order taken by Senator Keeley.

Senator Himsl rose to a point of order objecting to the introduction of House Bill No. 61, stating that the time had elapsed for the transmittal of bills between the House and the Senate and the Senate and the House in accordance with Joint Rule No. 23, as amended for the duration of the Extraordinary Session only. The President sustained the point of order taken by Senator Himsl.

Moved by Senator Burr that the rules be suspended and that House Bill No. 61 be accepted by the Senate although this bill was late in coming from the House; motion duly seconded and lost by the following vote:

Ayes: Angvick, Burr, Carey, Delaney, Eaton, Holton, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Lamp, Page, Pauline, Putnam, Ruffcorn, Sparling, Walker. Total 18.

Noes: Armstrong, Church, Clarke, Clifford, Cooper, Corwin, Danielson, Duncan, Garber, Himsl, Holt, Keeley, Kemmis, Kilduff, Larson, Melton, Murphy, Plumer, Reed, Simmons, Staggs, Willis. Total 22.

Absent and not voting: Campbell, Carroll, Coburn, Donovan, Ekegren, Galt, Harris, Hennessy, Husband, MacGilvra, Parkin, Plank, Rowland, Thien, Wass, Wheeler. Total 16.

Senator Armstrong rose to a point of order objecting to the introduction of House Bill No. 68, stating that the time had elapsed for the transmittal of bills between the House and the Senate and the Senate and the House in accordance with Joint Rule No. 23, as amended, for the duration of the Extraordinary Session only. The President sustained the point of order taken by Senator Armstrong.

Moved by Senator Holt that the rules be suspended and that House Bill No. 68 be accepted for introduction in the Senate; motion duly seconded and carried by the following vote:

Ayes: Angvick, Campbell, Carey, Church, Clarke, Clifford, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Garber, Himsl, Holt, Holton, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Pauline, Plumer, Putnam, Reed, Ruffcorn, Simmons, Sparling, Staggs, Walker, Wass, Willis. Total 42.

Noes: Armstrong, Burr.

Absent and not voting: Carroll, Coburn, Ekegren, Galt, Harris, Hennessy, Husband, Parkin, Plank, Rowland, Thien, Wheeler. Total 12.

Moved by Senator Delaney that the rules be suspended and that House Bill No. 63 be received by the Senate; motion duly seconded and lost by the following vote:

Ayes: Angvick, Burr, Carey, Cooper, Danielsen, Duncan, Eaton, Garber, Hennessy, Himsl, Holton, Kalberg, Kemmis, Kilduff, Pauline, Ruffcorn. Total 16.

Noes: Armstrong, Campbell, Church, Clarke, Clifford, Corwin, Delaney, Donovan, Holt, Jergensen, Kane, Kaulbach, Keeley, Kelsey, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Plumer, Putnam, Reed, Simmons, Sparling, Staggs, Walker, Wass, Willis. Total 29.

Absent and not voting: Carroll, Coburn, Ekegren, Galt, Harris, Husband, Parkin, Plank, Rowland, Thien, Wheeler. Total 11.

INTRODUCTION OF BILLS

On motion the rules were suspended and the following bill was received from the House, introduced, read first and second times, and referred:

H. B. No. 68, introduced by Committee on State Institutions, Public Buildings and Grounds: A bill for an Act entitled: "An Act to authorize the erection of a building or buildings for the Montana State Industrial School; to authorize the borrowing of money to pay for the construction of said building or buildings; to create a fund out of which the principal of, and the interest upon the money so borrowed may be paid; and to provide that the money, so borrowed, shall not be and never shall become a charge against the State of Montana or a liability, debt or obligation of the State of Montana." Referred to Committee on State Boards and Offices.

The President signed in open Session: Substitute for House Bill No. 17.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 2:39 P. M., until 10:00 A. M., Thursday, December 28, 1933.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

THIRTY-SECOND DAY

Helena, Montana, December 28, 1933.

Senate convened at 10:00 A. M.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Thirty-first Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on State Boards and Offices submitted the following report:

Mr. President: We, your Committee on State Boards and Offices, having had under consideration House Bill No. 42, respectfully report as follows:

That House Bill No. 42 be concurred in.

CORWIN, Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 27, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Senate Joint Memorials and Senate Joint Resolution were this day read three several times, title and history agreed to, concurred in, and herewith transmitted to the Senate:

- S. J. M. No. 4.
- S. J. M. No. 3.
- S. J. M. No. 5.
- S. J. R. No. 1.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 27, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Senate Bill, on Third Reading, was, upon motion, passed for the day:

- S. B. No. 17.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 27, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration Business on General Orders, do report that we recommend:

- S. J. M. No. 4, be concurred in.
- S. J. M. No. 3, be concurred in.
- S. J. M. No. 5, be concurred in.
- S. J. R. No. 1, be concurred in.
- S. B. No. 17, be concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that all bills on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

NOTICES

The following notice was received and read:

Mr. President: Notice is hereby given that I will on tomorrow or some subsequent day, move to reconsider the action by which this body refused to accept House Bill No. 63 on the 31st Legislative Day.

KELSEY.

Upon motion of Senator Kane, duly seconded and carried, General File was passed.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 10:00 A. M., until 2:00 P. M.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:00 P. M.
President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Judiciary Committee submitted the following reports:

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 52, respectfully report as follows: That House Bill No. 52 be concurred in.

CAMPBELL, Chairman.

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration Substitute House Bill No. 30, respectfully report as follows:

Amend Substitute House Bill No. 30 by striking out in Section 2 of the engrossed bill all of Paragraph (F) and relettering the following paragraphs of said section accordingly.

Further amend said bill by striking out all of Paragraph (K) in said Section 2 and

Amend said bill further by striking out in Section 9 of the engrossed bill in line 23 the words "store vendor."

Further amend said bill by striking out in Section 6 of the engrossed bill in line 16 the words "store vender."

Amend said bill further by striking out all of Section 11 of the engrossed bill and renumber the succeeding sections accordingly.

And amend said bill further by striking out in Section 15 of the engrossed bill all of line 19 and

By further amending said bill by striking out all of Section 16 of the engrossed bill and by renumbering the succeeding sections accordingly, and, as so amended, recommend that the bill be concurred in.

CAMPBELL, Chairman.

Report adopted.

The Committee on State Boards and Offices submitted the following report:

Mr. President: We, your Committee on State Boards and Offices, having had under consideration House Bill No. 68, respectfully report as follows: That House Bill No. 68 be amended as follows: By adding at the close of Section 5, in line 7, on page 3 of the engrossed bill, after the word "thereon," the following:

"Provided further that in the construction of building or buildings provided for under this Act Montana labor and Montana materials shall be given preference," and, as so amended, recommend that the said bill be concurred in.

CORWIN, Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 28, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, in accordance with your request, the following committee has been appointed to confer with a like committee from the Senate to make an investigation of state insurance: Byrne, Stiefel and Sparling.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 28, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times, title and history agreed to and concurred in:

S. B. No. 17.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 28, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration Business on General Orders, do report that we recommend:

All Senate amendments to House bills on General Orders passed for the day.

S. B. No. 17 be concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 28, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, the following bill was this day introduced, read first and second time and referred to committee:

House Bill No. 75, introduced by Committee on Appropriations: A bill for an Act entitled: "An Act to appropriate money from the General Fund for the operation and maintenance of the office of the State Engi-

neer for the period beginning July 1, 1933, and ending June 30, 1935; and additional to and supplementing the appropriations made for such office by the Twenty-third Legislative Assembly in Regular Session."

Committee on Appropriations.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 28, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times, passed, title and history agreed to, and the bill is herewith transmitted to the Senate for its concurrence: H. B. No. 7.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Senator Larson arose to a point of order objecting to the Senate receiving House Bill No. 7, stating that the time had elapsed for transmittal of bills between the House and the Senate and the Senate and the House in accordance with Joint Rule No. 23 as amended for the duration of the Extraordinary Session only. The President sustained the point of order taken by Senator Larson.

Moved by Senator Keeley that the rules be suspended and that the Senate accept House Bill No. 7; motion duly seconded.

Roll was thereupon called on the motion of Senator Keeley; which motion requiring a two-thirds vote of the members for adoption was lost by the following vote:

Ayes: Burr, Carroll, Church, Clifford, Cooper, Daniels, Eaton, Hennessy, Husband, Jergensen, Kane, Kaulbach, Keeley, Kelsey, Lamp, Murphy, Page, Pauline, Plank, Plumer, Putnam, Reed, Ruffcorn, Simmons, Walker, Wass, Willis. Total 27.

Noes: Armstrong, Campbell, Carey, Clarke, Coburn, Corwin, Delaney, Donovan, Duncan, Ekegren, Gait, Garber, Harris, Himsl, Holt, Holton, Kalberg, Kemmis, Kilduff, Larson, Melton, Parkin, Rowland, Sparling, Staggs, Thien, Wheeler. Total 27.

Absent and not voting: Angvick, MacGilvra.

MOTIONS AND RESOLUTIONS

Moved by Senator Corwin, duly seconded and carried, that House Bill No. 42 be taken from General File and re-referred to the Committee on State Boards and Offices.

Moved by Senator Kaulbach, duly seconded and carried, that House Bill No. 48 be withdrawn from the Committee on Corporations other than municipal and referred to the Committee on Taxation.

NOTICES

The following motion was received and read:

Mr. President: I hereby given notice that I will on tomorrow or some subsequent day, move to reconsider the action of the Senate taken upon Wednesday, December 22nd, in refusing to accept for consideration House Bill No. 61, introduced by O'Connell.

PLUMER.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 2:47 p. m., until 10:00 a. m., Friday, December 29, 1933.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

THIRTY-THIRD DAY

Helena, Montana, December 29, 1933.

Senate convened at 10:00 a. m.
President presiding.
Prayer by the Chaplain.
Roll call. All members were present.
Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Thirty-second Legislative day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF SELECT COMMITTEES

The following select committee report was submitted:

Mr. President: We, your committee, appointed to investigate as to the members of this Senate who, in the past, have participated in the premium commissions paid by the State of Montana on insurance written on state owned buildings, do find and report that prior to the year 1933 insurance on state owned buildings was let to the fire companies authorized to do business in the State of Montana on a premium tax basis, i. e., the insurance was given to fire companies in proportion to the amount of tax paid into the state treasury by the respective companies.

The whole matter of insurance was handled by the State Board of Examiners, representing the State of Montana, and general and special agents representing the various fire companies.

The total coverage on state owned buildings was represented by 50 master policies written by as many fire companies, which said policies were written solely by the general or special agents of the respective fire companies acting under the direct supervision of the officers and executives of the companies they represented. These policies ranged in face value from \$10,000.00 to \$1,010,000.00, dependent upon the ratio of the tax paid by the writing company to the total amount of coverage written.

Under the Montana law, a general or special agent cannot receive the commission paid on premiums charged on insurance, as the law specifically directs that the commission must be paid to the so-called local agent. In order that there would be no violation of the law, the general or special agent of each company caused the commission payable on the business written by the company on state property to be distributed among local agents through the State of Montana. However, in no instance did the local agent participate in the securing of the business as this was done by the general or special agents as hereinbefore set forth. The aggregate of all local agents so participating was 480 residing in 139 different cities and towns in Montana.

The records of the State Board of Examiners show that the allotments of state fire insurance made in the names of state Senators during the allocation of insurance in 1932 were as follows:

E. F. Galt	\$10,000.00
W. C. Husband	30,000.00
Henry Thien	20,000.00
V. S. Himsl	20,000.00
Waite-Parkin Co.	60,000.00
Leon T. Wheeler	15,000.00

REED,
WASS,
CAMPELL.

Report adopted.

The following Joint Conference Committee report was submitted:

Mr. President: We, your Conference Committee, appointed to consider Senate Amendments to House Bill No. 1, beg leave to report as follows: We agree to all Senate amendments except Senate amendments as follows:

“Amend by striking out all words and figures in lines 16, 17 and 18 on the first page, printed bill, and inserting in lieu thereof the following words and figures: “Motor vehicles weighing twenty-seven hundred and fifty (2750) pounds or under, other than motor trucks, Five Dollars (\$5.00); motor vehicles weighing over twenty-seven hundred and fifty (2750) pounds and under thirty-three hundred (3300) pounds, other than motor trucks, Seven Dollars and Fifty Cents (\$7.50); motor vehicles weighing over thirty-three hundred (3300) pounds, other than motor trucks, Ten (\$10.00) Dollars,” from which the Senate recedes, and agree that said amendment be stricken, and that lines 16, 17 and 18 of Section 1 of said printed House Bill No. 1 be stricken, and that in lieu thereof, the following be inserted: “Motor vehicles weighing twenty-nine hundred and fifty (2950) pounds or under, other than motor trucks, Five Dollars (\$5.00); motor vehicles weighing over twenty-nine hundred and fifty (2950) pounds, other than motor trucks, Ten Dollars (\$10.00),” and recommend that this Conference Committee report be adopted.

HUSBAND,
LARSON,
DANIELSEN,

For Senate.

BREITENSTEIN,
H. SPARLING,
BEADLE,

For House.

Moved by Senator Husband that the foregoing Joint Conference Committee report be adopted; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: None.

Absent and not voting: Jergensen.

Passed: Carroll.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 28, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on Judiciary: S. B. No. 9 be not concurred in; and the same is herewith returned to the Senate.

Committee on Appropriations: H. B. No. 75, do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 28, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on Enrolling: H. B. No. 17 delivered to the Governor.

Committee on Appropriations: H. B. No. 62 do pass.

Committee on Appropriations: H. B. No. 73, do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 28, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate, that, upon motion of Besancon, duly seconded and carried, the House extends a cordial invitation to Miss Jeanette Rankin, former Congresswoman, to address the House in informal session December 29th, 1933, at 2:00 o'clock P. M., and an invitation is herewith extended to the state officers and the Senate to join in such informal session.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 28, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that action upon Conference Committee on Senate Amendments to House Bill No. 1, has been deferred until the thirty-third day.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

MOTIONS AND RESOLUTIONS

Moved by Senator Campbell, duly seconded and carried, that Substitute House Bill No. 30 be taken from General File and re-referred to the Judiciary Committee.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Duncan in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 52 be concurred in.

That H. B. No. 68 be concurred in.

DUNCAN, Chairman

Upon motion of Senator Duncan, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

The President signed in open session: House Bill No. 58.

Moved by Senator Kane, duly seconded and carried, that all bills on Third Reading this day be read by title only, and be considered read at length.

Moved by Senator Holt, duly seconded and carried, that House Bill No. 68 be taken from Third Reading of bills and re-referred to Business on General File.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of business on General File.

Senator Duncan in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 68 be amended in Section 4 of the printed bill by striking out in line 6 the words "less than" and inserting in lieu thereof the word "exceeding," and, as so amended, recommend that said H. B. No. 68 be concurred in.

DUNCAN, Chairman.

Upon motion of Senator Duncan, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

H. B. No. 52, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff,

Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 55.

Noes: Armstrong.

Absent and not voting: None.

H. B. No. 68, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Daniels, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 55.

Noes: None.

Absent and not voting: Holton.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:06 A. M., until 1:30 P. M.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 1:30 P. M.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF SELECT COMMITTEES

The Committee on State Boards and Offices submitted its special report on the investigation of travel activities of state officers and assistants between April 1, 1933, and December 1, 1933, in accordance with instructions contained in Senator Garber's motion, adopted December 16, 1933.

Moved by Senator Corwin that the special report of the Committee on State Boards and Offices be adopted; motion duly seconded.

As a substitute motion to the motion by Senator Corwin, Senator Melton moved that further consideration of the report of the State Boards and Offices Committee on the travel activities of state officers between April 1, 1933, and December 1, 1933, be postponed until January 4, 1934; and that a special committee of three be appointed by the President of the Senate to investigate all travel activities of state officers during the same period outside of the State of Montana; substitute motion duly seconded.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 1:55 P. M., until 3:00 P. M.

Pursuant to recess, the Senate reconvened at 3:00 P. M.

President presiding.

Senator Corwin renewed his motion that the special report of the Committee on State Boards and Offices be adopted; which motion had been duly seconded.

Senator Melton renewed his substitute motion that further consideration of the report of the State Boards and Offices Committee, on travel activities of state officers between April 1, 1933, and December 1, 1933, be postponed until January 4, 1934; and that a special committee of three members be appointed by the President of the Senate to investigate all travel activities of state officers during the same period outside of the State of Montana; which substitute motion had been duly seconded. Action was thereupon had upon the substitute motion and the substitute motion by Senator Melton was lost.

The special report of the Committee on State Boards and Offices on the travel activities of state officers between April 1, 1933, and December 1, 1933, was thereupon adopted.

Moved by Senator Kane, duly seconded and carried, that the special report of the Committee on State Boards and Offices on travel activities be filed with the Secretary and that a copy be placed on the desk of each member.

The special committee authorized to compile a statement regarding the amount of money which this Extraordinary Session should provide to meet the special purposes included in the Governor's call submitted its report.

Moved by Senator Reed that the special committee report be adopted; motion duly seconded.

As a substitute motion to the motion by Senator Reed, Senator Melton moved that the special committee report be rejected and returned to the committee for revision; substitute motion duly seconded and lost.

The report of the special committee authorized to compile a statement regarding the amount of money which the Extraordinary Session should provide to meet the special purposes included in the Governor's call was thereupon adopted.

Moved by Senator Burr, duly seconded and carried, that the special committee report be filed with the Secretary and that a mimeographed copy thereof be placed on the desk of each Senator.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

December 29, 1933.

The President of the Senate,
Senate Chamber,
Helena.

Earlier in this Extraordinary Session there was introduced and passed a measure designed to legalize and validate certain elections that had theretofore been held in this state, in which it had been found that every technicality prescribed by the existing law had not been observed. This measure was House Bill No. 8, and received the approval of the Governor of the fourteenth day of December.

It now appears that there is serious doubt as to whether House Bill No. 8 came within the purview of the call for this session, and in order that all doubt may be removed I now present the subject to this Extraordinary Session with the recommendation that House Bill No. 8 be repealed and then re-enacted for the purpose of validating certain elections that would otherwise be nullified.

F. H. COONEY, Governor.

REPORTS OF STANDING COMMITTEES

The Committee on Enrolled Bills submitted the following report:

Mr. President: We, your Committee on Enrolled Bills, to whom was referred Senate Bill No. 17, S. J. R. No. 1, S. J. M. No. 3, 4 and 5, beg leave to report same back correctly enrolled and duly verified.

CLARKE, Chairman.

Report adopted.

MOTIONS AND RESOLUTIONS

Moved by Senator Plumer that the Senate reconsider its action in refusing to accept House Bill No. 61 from the House; motion duly seconded.

Senator Donovan rose to a point of order, stating that the time had expired in which a motion to reconsider the action of the Senate on House Bill No. 61 could be made; and therefore, in accordance with Rule No. 27 the motion by Senator Plumer was out of order. The President sustained the point of order taken by Senator Donovan.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 4:02 P. M., until 9:00 A. M., Saturday, December 30, 1933.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

THIRTY-FOURTH DAY

Helena, Montana, December 30, 1933.

Senate convened at 9:00 A. M.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present except Burr, Galt, Walker, excused.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Thirty-third Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on Labor and Capital submitted the following report:

Mr. President: We, your Committee on Labor and Capital, having had under consideration House Bill No. 20, respectfully report as follows: That House Bill No. 20 be amended as follows:

In line 26, page 2, of the engrossed bill, the same being line 4 of Section 5 of the printed bill, by striking out the period and inserting in lieu thereof a semicolon and by adding the following immediately thereafter; "; (5) neighborhood stores outside of the recognized business district, operated and conducted by an individual or family employing no hired help or assistants and where neither such individual nor any adult member of his or her immediate family is otherwise gainfully employed," and, as so amended, recommend that House Bill No. 20 be concurred in.

SIMMONS, Chairman.

Report adopted.

The President signed in open Session: Senate Joint Resolution No. 1; Senate Joint Memorial No. 3; Senate Joint Memorial No. 4; Senate Joint Memorial No. 5; Senate Bill No. 17.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

December 29, 1933.

The President of the Senate,
Senate Chamber,
Helena.

I have the honor to submit the appended list of appointments made by me during the recess of the Senate and requiring confirmation by your Honorable Body:

To be State Examiner and Ex-officio Superintendent of Banks—Frank H. Johnson of Lewis and Clark County.

To be members of the Board of Managers of the State Soldiers' Home—Julius Barney of Lewis and Clark County, John Marchion of Deer Lodge County.

To be members of the State Board of Architectural Examiners—J. G. Link of Yellowstone County, W. R. Plew of Gallatin County, Fred A. Brinkman of Flathead County.

And I hereby nominate and by and with the consent of the Senate do appoint the following named persons to the offices and for the terms in each instance indicated:

To be State Examiner and Ex-officio Superintendent of Banks—Frank H. Johnson of Lewis and Clark County, for the term ending June 1, 1937.

To be members of the Board of Managers of the State Soldiers' Home—Julius Barney of Lewis and Clark County, John Marchion of Deer Lodge County, each for the term ending April 18, 1937.

To be members of the State Board of Architectural Examiners—J. G. Link of Yellowstone County, W. R. Plew of Gallatin County, Fred A. Brinkman of Flathead County, each for the term ending March 27, 1937.

F. H. COONEY,
Governor.

Moved by Senator Kane, duly seconded and carried, that the appointments of the Governor be made a special order of business for Monday, January 1, 1934, at 2:00 P. M.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Finance and Claims submitted the following report:

Mr. President: We, your Committee on Finance and Claims, having had under consideration House Bill No. 32, respectfully report as follows: That House Bill No. 32 be concurred in.

STAGGS, Vice-Chairman.

Report adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 9:22 A. M., until 12:30 P. M., Monday, January 1, 1934.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

THIRTY-SIXTH DAY

Helena, Montana, January 1, 1934.

Senate convened at 12:30 P. M.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present except Galt, excused.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Thirty-fourth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Judiciary Committee submitted the following report:

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 39, respectfully report as follows:

That said House Bill No. 39 be amended by inserting in the title thereof after the word "bonds" in the eleventh line of the printed bill, and in line 13 of the engrossed bill, the following words, "providing for a lien upon the bond proceeds; providing for trust indentures; providing for the creation of certain funds in connection with this Act; providing for contracts with the United States;" and by inserting after the word "for" in line 14 of the title of the printed bill, and in line 15 of the engrossed bill, the word "purchase," and by inserting after the word "condemnation" in line 14 of the title of the printed bill, and in line 15 of the engrossed bill, the following words, "and otherwise acquiring lands and water rights and for the sale thereof;"

By striking out all of Section 3 of said House Bill No. 39 and inserting in lieu thereof the following:

"Section 3. State Water Conservation Board. There is hereby created a board to be known as the "State Water Conservation Board," and by that name the board may sue and be sued, plead and be impleaded, and contract and be contracted with. The Board of Railroad Commissioners of the State of Montana with the State Engineer acting as an ex-officio member thereof and also as vice-chairman, secretary and treasurer of said board, shall be and constitute the "State Water Conservation Board." Such board may provide for the holding of regular meetings and may hold a special meeting for the transaction of any business which may properly come before the board at any time and at any place in the state upon the call of the chairman or the vice-chairman or any two members, notice of which may be given by telegram or by depositing such notice in the mail at least forty-eight (48) hours before the meeting, which notice must be duly addressed with postage prepaid to the address of such member. But no notice shall be necessary if all members of the board shall be present. A majority in number of the members shall constitute a quorum and the affirmative or negative vote of three members shall be necessary to bind the board.

The board shall have and adopt a seal bearing its name, which seal shall be affixed to such records and other instruments as it may direct, and all courts shall take judicial notice of such seal. It is authorized to adopt from time to time, if necessary or expedient, suitable rules and regulations for the administration of this Act. The Attorney General shall act as legal advisor for the board and shall perform such legal services as the board may request; he shall receive his actual and necessary ex-

penses when engaged in travel in the performance of such duties. With his consent the board may employ additional legal counsel and the board may also appoint such technical or other assistants and employees as may be necessary to enable it to perform its duties and carry out the purposes of this Act, and may fix their compensation and may provide for fidelity bonds for the faithful performance of their duties.

Each member of the board shall receive his actual and necessary traveling expenses incurred in the performance of the duties of his office while away from home, and not to exceed Four Dollars (\$4.00) per day for his board and room. All such expenses so incurred while traveling away from home shall be paid solely from the funds provided under the authority of this Act. The State Engineer shall exercise such powers and perform such duties in addition to his regular duties as State Engineer as the board shall prescribe, and may receive and be paid such additional salary for such additional duties as may be fixed by the board."

By inserting after the word "Act" in line 15 on page 10 of the printed bill, line 25 on page 14 of the engrossed bill, the following words, "and subject to a compliance with the other provisions of this Act." By striking out lines 34 and 35 of Section 14 of the printed bill, lines 22, 23 and 24 on page 15 of the engrossed bill, and inserting in lieu thereof, "The secretary and treasurer of the board, as herein provided, shall furnish a bond in the form and to the amount that shall be required by said board."

And by striking out all of Section 17 and inserting in lieu thereof the following to be numbered Section 17:

"Section 17. In acquiring the rights and administering the terms of this Act herein prescribed and established, the Board shall not be limited to the terms of the statutes of the State of Montana relating to water rights heretofore enacted; but in addition thereto may initiate a right to the water of the state by executing a declaration in writing of the intention to store, divert or control the unappropriated waters of a particular body, stream or source designating and describing in general terms the waters claimed, means of appropriation and location of use, and cause said declaration to be filed for record in the office of the county clerk of the county where the major portion of the means of diversion or control will be located, which right shall vest in said board on the date of the filing of said declaration and continue in effect, provided the means of actual appropriation shall be commenced by actual construction within two years from the date of such filing and recording and thereafter continue such construction with reasonable diligence until fully completed. It shall be the duty of the county clerk of each county of the State of Montana on presentation to receive, record and index such declaration without charge, in the manner prescribed by law relating to notice of water right.

A certified copy of said declaration shall be received as competent evidence in all courts and deemed to be prima facie proof of all matters therein recited. Changes in means of place of diversion or control shall not affect the right of priority unless it injuriously affects rights of subsequent appropriators."

By inserting after the word "Montana" in line 1 of Section 18, page 12 of the printed bill, line 27, page 17 of the engrossed bill, the following words, "so acquired as hereinbefore provided."

And recommend that said House Bill No. 39 as so amended be concurred in.

CAMPBELL, Chairman.

Moved by Senator Campbell that the foregoing report of the Judiciary Committee be adopted; motion duly seconded.

As a substitute motion to the motion by Senator Campbell, Senator Carroll moved that House Bill No. 39 be concurred in without the amendments submitted by the Judiciary Committee; substitute motion duly seconded.

As a substitute motion to all pending motions, Senator Kelsey moved that House Bill No. 39 be referred to the Committee on Irrigation and Water Rights; substitute motion duly seconded and lost.

Action was thereupon had on the substitute motion by Senator Carroll that House Bill No. 39 be concurred in without the amendments submitted by the Judiciary Committee; which motion was carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Carroll, Church, Clarke, Clifford, Cooper, Danielsen, Delaney, Donovan, Eaton, Hennessy, Himsl, Holt, Holton, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kilduff, Murphy, Page, Plank, Plumer, Putnam, Ruffcorn, Sparling, Thien, Walker, Wass, Wheeler, Willis. Total 35.

Noes: Campbell, Carey, Coburn, Corwin, Duncan, Ekegren, Garber, Harris, Husband, Kemmis, Lamp, Larson, Melton, Parkin, Pauline, Reed, Rowland, Simmons, Staggs. Total 19.

Absent and not voting: Galt, MacGilvra.

The Committee on Irrigation and Water Rights submitted the following report:

Mr. President: We, your Committee on Irrigation and Water Rights, having had under consideration House Joint Memorial No. 5, respectively report as follows: That House Joint Memorial No. 5 be concurred in.

JERGENSEN, Chairman.

Report adopted.

The Committee on Federal Relations submitted the following report:

Mr. President: We, your Committee on Federal Relations, having had under consideration House Bill No. 69, respectfully report as follows: That House Bill No. 69 be concurred in.

EKEGREN, Chairman.

Report adopted.

The Committee on Taxation submitted the following reports:

Mr. President: We, your Committee on Taxation having had under consideration House Bill No. 47, respectfully report as follows: That House Bill No. 47 be amended as follows:

Strike out in line 18 in the original bill the words and figures, "Two Dollars and Fifty Cents (\$2.50)" and insert in lieu thereof the words and figures, "Five Dollars (\$5.00)."

And, as so amended, recommend that the same be concurred in.

RUFFCORN, Chairman.

Report adopted.

Mr. President: We, your Committee on Taxation, having had under consideration Substitute House Bill No. 37, respectfully report as follows: That Substitute House Bill No. 37 be amended as follows:

By striking out of the title of the original bill the words, "other than attorneys at law."

By striking out all of Section 3 of the original bill after the word "desired" in line 25 and insert in lieu thereof the following: "All of the license fees collected hereunder shall be deposited to the credit of the Emergency Relief Fund of the State of Montana."

And, as so amended, recommend that the same be concurred in.

RUFFCORN, Chairman.

Report adopted.

The following majority report of the Committee on Public Morals was submitted:

Mr. President: We, a majority of your Committee on Public Morals, having had under consideration Sub. for Sub. House Bill No. 13, respectfully report as follows: That Sub. for Sub. House Bill No. 13 be amended as follows:

Strike out the words "slot machines and punch boards," in line 4 of the title in the original bill and insert in place thereof the following, "certain games of chance."

Amend line 7 by inserting an "s" after the word "Act."

Amend Section 1 by striking out in line 10, after the word "Montana," "slot machines and punch boards," and inserting in lieu thereof the words, "the games of chance hereinafter described."

Amend Section 2 in the original bill by striking out the entire section and substituting a new section as follows: "Section 2. No license shall be issued except for the following games of chance: Any game played with cards, any game played with dice, slot machines, punch boards, roulette or other wheels, pools and pari-mutuals."

Amend Section 3 in the original bill by striking out the entire section and substituting a new section as follows: "Section 3. License fees shall be payable as follows: (a) Card games: Black jack, stud or draw poker, faro, monte, dondo, fan tan, twenty-one, pangene, or seven and a half, twenty-five dollars (\$25.00) per month per table; all other card games ten dollars (\$10.00) per month per table; (b) dice games: All dice games fifty dollars (\$50.00) per month per game; (c) Slot machines:

1. Slot machines played with half dollars or fifty cent pieces, twenty dollars (\$20.00) per month per machine;

2. Slot machines played with quarter dollars or twenty-five cent pieces, ten dollars (\$10.00) per month per machine;

3. Combination slot machines played with combinations of coins or pieces of the value of twenty-five cents and less, or with combinations of coins or pieces of any value less than twenty-five cents, ten dollars (\$10.00) per month per machine;

4. Slot machines played with dimes or ten cent pieces, seven dollars and fifty cents (\$7.50) per month per machine;

5. Slot machines played with nickels or five cent pieces, and slot machines played with coins or pieces or less value than five cents, five dollars (\$5.00) per month per machine;

Provided that the provisions of this sub-section shall apply to all slot machines whether played with coins or with slugs or other tokens or checks and whether said slugs or other tokens or checks are redeemable in cash, in merchandise, in trade, in services or in any other value;

(d) Punch Boards. All punch boards, ten per centum (10%) of the gross of each board;

(e) Roulette wheels: All single table roulette wheels, fifty dollars (\$50.00) per single table; all double table roulette wheels, one hundred dollars (\$100.00) per double table per month.

(f) Pools. All pools of any and all kinds and descriptions, whether they be called 'pools' or by any other name, wherein there is an aggregate stake or pot to which the players contribute and which is to be distributed to the player, or players, holding the winning ticket or other means of identification or designation of the winner or winners, including baseball pools, football pools, stock market pools, weather pools, racing pools, and other such pools on competitive, sporting and athletic events and games, twenty-five dollars (\$25.00) per each and every such pool: Provided, that the above contained enumeration of taxable pools is not intended to be, and shall not be so considered, a full and complete enumeration of legal and taxable pools under the provisions of this subsection of this Act;

(g) Pari-mutuals: All pari-mutuals, one hundred dollars (\$100.00) per month:

(h) Any other game or device of chance not hereinbefore enumerated, ten dollars (\$10.00) per month per game or table or device as the case may be. Licenses to cover any of the above enumerated games or devices shall be issued to cover a period of three months notwithstanding the fact that the fees covering these games and devices are listed at a certain amount per month and fees for any license issued shall be three times the amount of monthly fees as enumerated in this section except for punch boards, regulations for which appear in Section 5 of this Act, and except for licenses which expire two months before this Act becomes null and void, and licenses that expire one month before this Act becomes null and void. Licenses expiring two months before this Act becomes null and void may be renewed by the licensee for two months by paying two times the monthly fee or fees as enumerated above providing other requirements of this Act are complied with and licenses expiring one month before the law becomes null and void can be renewed by the license by the payment of one month's fee or fees as enumerated above providing that other requirements of this Act are complied with." And, as amended do pass.

CLARKE,
HARRIS,
DELANEY.

Majority report.

Moved by Senator Clarke that the foregoing majority report of the Committee on Public Morals be adopted; motion duly seconded.

The following minority report of the Committee on Public Morals was submitted:

Mr. President: We, a Minority of your Committee on Public Morals, having had under consideration Sub. for Substitute House Bill No. 13, respectfully report as follows: That Sub. for Sub. House Bill No. 13 do not pass.

KALBERG,
SPARLING,

Minority Report.

As a substitute motion to the motion by Senator Clarke, Senator Kalberg moved that the foregoing minority report of the Committee on Public Morals be adopted: Substitute motion duly seconded.

As a substitute motion to all pending motions Senator Armstrong moved that consideration of Substitute for Substitute for House Bill No. 13 be indefinitely postponed; substitute motion duly seconded.

Senator Larson in the Chair.

Notice was given by Senators Keeley and Pauline that they were paired on the vote on Senator Armstrong's substitute motion to indefinitely postpone consideration of Substitute for Substitute for House Bill No. 13.

Action was thereupon had on the substitute motion by Senator Armstrong that consideration of Substitute for Substitute for House Bill No. 13 be indefinitely postponed; which motion was carried by the following vote:

Ayes: Angvick, Armstrong, Campbell, Carey, Carroll, Corwin, Donovan, Duncan, Eaton, Ekegren, Hennessy, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Parkin, Plank, Plumer, Putnam, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Walker, Wass, Wheeler. Total 34.

Noes: Burr, Church, Clarke, Clifford, Coburn, Cooper, Danielsen, Delaney, Garber, Harris, Himsl, Larson, MacGilvra, Melton, Murphy, Page, Reed, Thien, Willis. Total 19.

Paired: Keeley, Pauline.

Absent and not voting: Galt.

Moved by Senator Kane, duly seconded and carried, that Order of Business No. 2 be passed.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

January 1, 1934.

The President of the Senate,
Senate Chamber,
Helena, Montana.

I have the honor to advise you that I have this day approved the following measures:

S. J. R. No. 1—Requesting allotment of funds for the Broadus-Crow Agency highway.

S. J. M. No. 3—Relating to Civil Works program in National forests.

S. J. M. No. 4.—Relating to the administration of Federal Farm Loans.

S. J. M. No. 5—Relating to assistance for distressed drainage districts; etc.

F. H. COONEY, Governor.

SPECIAL ORDER OF BUSINESS

The Secretary again read the communication from the Governor, received December 30, 1933, containing appointments made by the Governor, which communication was by motion made a special order of business for this afternoon.

Moved by Senator Kane that the Governor's appointments contained in the foregoing communication be confirmed; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Murphy, Page, Parkin, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler. Total 50.

Noes: None.

Absent and not voting: Cooper, Galt, Garber, Melton, Pauline, Willis. Total 6.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

December 29, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on Judiciary: S. B. No. 23, be returned without further consideration, and the bill is returned herewith;

Committee on Judiciary: S. B. No. 22, upon motion placed upon General Orders;

Committee on Engrossing: H. B. No. 62, reported correctly engrossed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 29, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

Senate Amend. Sub. H. B. No. 6, be not concurred in. Conference be appointed and like committee requested from Senate;

Senate Amendments, H. B. No. 31, be not concurred in. Conference be appointed and like committee requested from Senate;

Senate Amendments, Sub. H. B. No. 5, be not concurred in. Conference be appointed and like committee requested from Senate;

Senate Amendments, H. B. No. 19, be not concurred in. Conference be appointed and like committee requested from Senate;

Senate Amendments, H. B. No. 18, be concurred in;

Senate Amendments, H. B. No. 26 be concurred in;

H. B. No. 62, do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 29, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

S. A. H. B. No. 68, be concurred in;

S. B. No. 22, be concurred in as amended.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 29, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the report of the former Conference Committee on House Bill No. 1 was not adopted; the committee was discharged and a

new Conference Committee appointed to act with a like committee from the Senate, which is hereby requested. The new Conference Committee consists of: Haight, Besancon and Ueland.

Respectfully,
JOHN J. JEWELL,
Chief Clerk.

December 29, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Conference Committees have been appointed upon the following bills, with the request that like committees be appointed from the Senate:

S. A. H. B. No. 19: Groene (Fergus), Fitzstephens, Nelstead.
S. A. H. B. No. 6; Byrne, Groene (Fergus), Ueland.
S. A. H. B. No. 31: Arnold, Schuster, Waite.
S. A. H. B. No. 5: Besancon, Rognlien, Lott.

Respectfully,
JOHN J. JEWELL,
Chief Clerk.

December 29, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day read three several times, title and history agreed to and concurred in:

S. A. Sub. H. B. No. 18;
S. A. H. B. No. 26;
S. A. H. B. No. 68;

S. B. No. 22, is returned to you herewith, for concurrence in House amendments.

Respectfully,
JOHN J. JEWELL,
Chief Clerk.

President in the Chair.

January 1, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day made and, upon motion, adopted:

Committee on Education: S. B. No. 21, be concurred in.

Respectfully,
JOHN J. JEWELL,
Chief Clerk.

December 30, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day made and, upon motion, adopted:

Committee on Printing—H. B. No. 75, considered correctly printed.

Respectfully,
JOHN J. JEWELL,
Chief Clerk.

December 30, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on Federal Relations—S. J. R. No. 2, be concurred in.

Committee on Engrossing—H. B. No. 73, considered correctly engrossed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 30, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bills were this day introduced, without previous notice, referred to the Judiciary Committee; committee recommended that they do pass; upon motion were considered correctly printed, placed on General Orders; the Committee of the Whole recommended that they pass, which recommendation was adopted; were considered correctly engrossed and referred to the calendar for Third Reading; read three several times, title and history agreed to and passed; and herewith transmitted to the Senate for its concurrence:

House Bill No. 76, introduced by Woodcock, Pilgeram and Lewis. A bill for an Act entitled: "An Act legalizing and validating all elections heretofore held in any city or town of this state, authorizing the creation or increase of the indebtedness of such city or town within or exceeding three per centum of the total assessed valuation of the taxable property of said city or town, as ascertained by the last assessment for state and county purposes, for any of the purposes set forth in subdivision 64, Section 5039, Revised Codes of Montana, 1921, as amended, and Sections 1 and 3 Chapter 160, Session Laws of Montana, 1931, which elections were held after notice published and posted, as provided in Section 5279, or Section 8, Chapter 160, of the Session Laws of Montana of 1931, at which the proposal to create or increase said indebtedness received a majority of all votes tendered and of all votes cast at such election, and to repeal Chapter 4, of the laws of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana."

House Bill No. 77, introduced by Pierson: A bill for an Act entitled: "An Act to amend Section 4, of House Bill No. 3, enacted by the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, approved December 19, 1933."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 30, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, on motion, the House reconsidered its action on House Bill No. 19, and on motion, House Bill No. 19 was referred to General Orders; Senate amendments concurred in by Committee of the Whole; was placed on calendar for Third Reading; Senate amendments concurred in on Third Reading, and the bill referred to the Enrolling Committee.

The above action was taken after a House Conference Committee had been appointed.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 1, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration Business on General Orders, do report that we recommend:

S. J. R. No. 2, be concurred in.

S. B. No. 21, consideration passed for the day.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 30, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration Business on General Orders, do report that we recommend:

H. B. No. 73, do pass.

S. A. H. B. No. 19, be concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 30, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration Business on General Orders, do report that we recommend:

H. B. No. 75, do pass.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 30, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Speaker this day signed the following:

S. J. R. No. 1; S. J. M. No. 3; S. J. M. No. 4; S. J. M. No. 5; S. B. No. 17; and H. B. No. 52.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 1, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that Conference Committee appointed to consider our House amendments to Senate Bill No. 10 reported and recommended as follows:

“That Senate Bill No. 10 be recommended for concurrence in its original form without the House amendments.”

Report adopted upon roll call.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 1, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following resolution was this day read three several times, concurred in, title and history agreed to, and the resolution is herewith transmitted to the Senate:

S. J. R. No. 2.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 1, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times, passed, title and history agreed to and the bill is herewith transmitted to the Senate for its concurrence:

H. B. No. 75.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

December 30, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times, passed, title and history agreed to, and the bill is herewith transmitted to the Senate for its concurrence:

H. B. No. 73.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Upon motion of Senator Kane, duly seconded and carried, the President appointed the following as Senate members to act with a like committee from the House to consider Senate amendments to Substitute House Bill No. 6: Senators Simmons, Page, Carey.

Upon motion of Senator Kane, duly seconded and carried, the President appointed the following as Senate members to act with a like committee from the House to consider Senate amendments to House Bill No. 31: Senators Larson, Garber, Eaton.

Upon motion of Senator Kane, duly seconded and carried, the President appointed the following as Senate members to act with a like committee from the House to consider Senate amendments to Substitute House Bill No. 5: Senators Campbell, Duncan, Carroll.

Upon motion of Senator Kane, duly seconded and carried, the President appointed the following as Senate members to act with a like committee from the House to consider Senate amendments to House Bill No. 1: Senators Coburn, Church, Cooper.

INTRODUCTION OF BILLS

The following bill was introduced, read first and second times, and referred:

H. B. No. 75, introduced by Committee on Appropriations: A bill for an Act entitled: "An Act to appropriate money from the General Fund for the operation and maintenance of the office of the State Engineer for the period beginning July 1, 1933, and ending June 30, 1935; and additional to and supplementing the appropriations made for such office by the Twenty-third Legislative Assembly in Regular Session." Referred to Committee on Finance and Claims.

House Bill No. 76 was presented to the Senate for introduction. Senator Armstrong rose to a point of order objecting to the introduction of House Bill No. 76, stating that the time had expired for transmittal of bills between the House and the Senate and the Senate and the House in accordance with Joint Rule No. 23 as amended for the duration of the Extraordinary Session only. The President sustained the point of order taken by Senator Armstrong.

Moved by Senator Kemmis that the rules be suspended and that House Bill No. 76 be accepted by the Senate; motion duly seconded and carried by the necessary two-thirds vote of the members.

Thereupon H. B. No. 76 was introduced, read first and second times, and referred:

H. B. No. 76, introduced by Woodcock, Pilgeram, Lewis: A bill for an Act entitled: "An Act legalizing and validating all elections heretofore held in any city or town of this state, authorizing the creation or increase of the indebtedness of such city or town within or exceeding three per centum of the total assessed valuation of the taxable property of said city or town, as ascertained by the last assessment for state and county purposes, for any of the purposes set forth in Subdivision 64, Section 5039, Revised Codes of Montana, 1921, as amended, and Sections 1 and 3, Chapter 160, Session Laws of Montana, 1931, which elections were held after notice published and posted as provided in Section 5279, or Section 8, Chapter 160, of the Session Laws of Montana of 1931, at which the proposal to create or increase said indebtedness received a majority of all votes tendered and of all votes cast at such election, and to repeal Chapter 4, of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly of Montana." Referred to Judiciary Committee.

The following bills were introduced, read first and second times, and referred:

H. B. No. 77, introduced by Pierson: A bill for an Act entitled: "An Act to amend Section 4, of House Bill 3, enacted by the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, approved December 19, 1933." Referred to Judiciary Committee.

H. B. No. 73, introduced by Committee on Appropriations: A bill for an Act entitled: "An Act to appropriate money from the State Highway Fund for the operation and maintenance of the Horticultural Division of the Department of Agriculture, Labor and Industry, for the period beginning January 1, 1934, and ending June 30, 1935, and additional to and supplementing the appropriations made for such office by the Twenty-third Legislative Assembly in Regular Session." Referred to Committee on Finance and Claims.

MOTIONS AND RESOLUTIONS

Moved by Senator Larson that the Senate concur in House amendments to Senate Bill No. 22; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Campbell, Carey, Carroll, Clarke, Coburn, Cooper, Corwin, Daniels, Delaney, Duncan, Ekegren, Garber, Harris, Hims, Holton, Husband, Jergensen, Kane, Kaulbach, Kelsey, Larson, MacGilvra, Murphy, Parkin, Pauline, Putnam, Reed, Rowland, Ruffcorn, Simmons, Staggs, Thien, Wass, Wheeler. Total 36.

Noes: Burr, Church, Donovan, Eaton, Hennessy, Holt, Kalberg, Keeley, Kemmis, Kilduff, Lamp, Page, Plank, Plumer, Sparling, Walker, Willis. Total 17.

Absent and not voting: Clifford, Galt, Melton. Total 3.

Moved by Senator Burr, duly seconded and carried, that the House be requested to appoint a committee of three members to accompany the Senate Committee on State Boards and Offices on its inspection trip to Great Falls in connection with the proposed removal to Great Falls of the State Institution for the Deaf and Dumb.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Thien in the Chair.
 Committee arose.
 Senate resumed.
 President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 20 be not concurred in.
 That H. B. No. 32 be concurred in.

THIEN, Chairman.

Upon motion of Senator Thien, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Upon motion of Senator Kane, duly seconded and carried, Third Reading of Bills was passed.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 4:51 P. M., until 10:00 A. M., Tuesday, January 2, 1934.

R. PAULINE,
 President of the Senate.

C. J. McALLISTER, Secretary.

THIRTY-SEVENTH DAY

Helena, Montana, January 2, 1934.

Senate convened at 10:00 A. M.
 President presiding.
 Prayer by the Chaplain.
 Roll call. All members were present except Corwin, Galt, excused.
 Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Thirty-sixth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

With unanimous consent, Senator Page was excused from serving as a Senate member on the Joint Conference Committee, appointed to consider Senate amendments on House Bill No. 6. The President thereupon appointed Senator Kilduff to fill the vacancy on the said committee created by the withdrawal of Senator Page.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Clifford in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 47 be amended in Section 4 by striking out all of said section and inserting in lieu thereof the words "Section 4: The expense of carrying out the provisions of this Act, including cost of stamps, printing and incidental expenses, shall be defrayed out of the funds collected hereunder and shall not exceed three hundred dollars per annum. All license taxes collected under the provisions of this Act, less expenses of administration, shall be deposited to the credit of the General Fund of the state," and, as so amended, recommend that said H. B. No. 47 be concurred in.

That H. B. No. 69 be concurred in.

That H. J. M. No. 5 be concurred in.

That the enacting clause of Substitute for H. B. No. 37 be stricken.

That consideration of H. B. No. 39 be passed.

CLIFFORD, Chairman.

Upon motion of Senator Clifford, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

The President signed in open Session: Substitute for House Bill No. 18; House Bill No. 26; House Bill No. 52; House Bill No. 68.

THIRD READING OF BILLS

H. B. No. 32, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: None.

Absent and not voting: Corwin, Galt.

H. B. No. 69, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: None.

Absent and not voting: Corwin, Galt.

H. J. M. No. 5, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: None.

Absent and not voting: Corwin, Galt.

H. B. No. 47, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, MacGilvra, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 51.

Noes: Melton.

Absent and not voting: Corwin, Galt, Larson, Reed. Total 4.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Enrolled Bills submitted the following report:

Mr. President: We, your Committee on Enrolled Bills, to whom was referred Senate Bills Nos. 10 and 22, and S. J. R. No. 2 beg leave to report same back correctly enrolled and duly verified.

CLARKE, Chairman.

Report adopted.

The Judiciary Committee submitted the following reports:

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 35, introduced by Fitzstephens, respectfully report as follows: That House Bill No. 35, do not be concurred in.

CAMPBELL, Chairman.

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 76, respectfully report as follows: That House Bill No. 76 be concurred in.

CAMPBELL, Chairman.

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 10, respectfully report as follows: That House Bill No. 10, be not concurred in.

CAMPBELL, Chairman.

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 38, respectfully report as follows: That House Bill No 38, be not concurred in.

CAMPBELL, Chairman.

Report adopted.

The President signed in open session: Senate Bill No. 10, Senate Bill No. 22, Senate Joint Resolution No. 2.

Moved by Senator Burr, duly seconded and carried, that the Senate reconsider its action in adopting the adverse report of the Judiciary Committee on House Bill No. 38.

Moved by Senator Burr, duly seconded and carried, that House Bill No. 38 be placed on General File.

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

January 1, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times and passed. Title and history agreed to, and the bill is herewith transmitted to the Senate for its concurrence: H. B. No. 62.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bill was introduced, read first and second times, and referred:

H. B. No. 62. Introduced by Pilgeram and Reardon. A bill for an Act entitled: "An Act authorizing Bartholomew C. Dignan to file with the State Board of Examiners his claim against the State of Montana for compensation for injuries, for reimbursement for expenses occasioned by injuries received by him while employed in the office of the State Treasurer by reason of the ceiling falling upon him, and, authorizing the said State Board of Examiners to hear, audit and determine the said claim and making an appropriation to pay any such claim of said Bartholomew C. Dignan which said Board of Examiners may approve and allow. Referred to Committee on Finance and Claims.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:10 a. m., until 2:00 p. m.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:00 p. m.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Labor and Capital submitted the following report:

Mr. President: We, your Committee on Labor and Capital, having had under consideration House Bill No. 34, respectfully report as follows: That House Bill No. 34 be amended as follows:

Amend by striking out the word "employed" in line 9, Section 1, engrossed bill, being line 1, Section 1, printed bill, and inserting in lieu thereof the word "operating."

Amend by striking out the comma after the word "persons" in line 11, Section 1, engrossed bill, and by striking out the comma after the word "livestock" in line 12, Section 1, engrossed bill, and by adding after the word "livestock", line 12, Section 1, engrossed bill, the words "or farm products."

Amend by striking out the words "be employed" in line 12, Section 1, engrossed bill, being line 3, Section 1, printed bill, and inserting in lieu thereof the words "operate such motor bus, or motor truck,"

Amend by striking out all of that portion of Section 1, beginning with the word "and" in line 13, Section 1, engrossed bill, being line 4, Section 1, printed bill, down to and including the word "hours" in line 15, Section 1, engrossed bill, being line 5, Section 1, printed bill, and inserting after the word "busses" in line 15, Section 1, engrossed bill, being line 5, Section 1, printed bill, the words "or motor trucks."

Amend by striking out the word "twelve" in line 16, Section 1, engrossed bill, being line 6, Section 1, printed bill, and inserting in lieu thereof the word "ten", and by striking out the figure "2" in line 16, Section 1, engrossed bill, and inserting in lieu thereof the figure "0."

Amend by inserting after the word "when" and before the word "life" in line 20, Section 1, engrossed bill, being line 9, Section 1, printed bill, the word "human" and by inserting after the word "life" and before the word "is" in line 20, Section 1, engrossed bill, being line 9, Section 1, printed bill, the words, "or property."

Amend by striking out that portion of Section 1 beginning with the word "or" in line 20, engrossed bill, down to and including the word "destruction" in line 21, same being from the first word "or" to and including the word "destruction" in line 10, printed bill.

Amend by inserting a comma after the word "accident" in line 22, Section 1, engrossed bill, same being line 11, Section 1, printed bill, and by striking out the words "on unpassable" in line 22, Section 1, engrossed bill, line 11, Section 1, printed bill, and inserting in lieu thereof the words, "or impassable."

Amend by striking out all of lines 23 and 24, Section 1, engrossed bill, same being from the word "shall" in line 11 and ending with the word "attendants" in line 12, printed bill, and inserting in lieu thereof the words "when there would be a delay in the regular transmission of the United States mails."

Amend by inserting after the word "employed" in line 30, Section 2, engrossed bill, same being line 5, Section 2, printed bill, the words, "Any employer or supervisor operating a motor bus, or motor truck, or" and by changing the capital "A" in the word "any" in said line to a small "a".

Amend by inserting after the word "Act" in line 1, Section 2, page 2, engrossed bill, being line 6, Section 2, printed bill, the words "or who shall violate any of the provisions of this Act." and by striking out the word "declared" in line 1, Section 2, page 2, engrossed bill, being line 7, Section 2, printed bill.

Amend by striking out all of the last sentence to Section 3 of the engrossed bill, which sentence reads as follows: "This Act does not apply or affect the owner when driving his own truck."

Amend by striking out all of Section 5 and inserting in lieu thereof the following:

“Section 5. An emergency is hereby declared to exist and this Act is hereby declared to be necessary for the immediate preservation of the public peace, health and safety and shall take effect and be in full force and effect from and after its passage and approval.”

And recommend that said House Bill No. 34 as so amended be concurred in.

SIMMONS, Chairman.

Report adopted.

The Judiciary Committee submitted the following report:

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 77, introduced by Pierson, respectfully report as follows: That said House Bill No. 77 be amended by striking out all of the title and inserting in lieu thereof the following:

“A bill for an Act entitled: An Act to amend Chapter 7 of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana, relating to the authorization and erection of buildings for the Eastern Montana State Normal School; the borrowing of money to pay for the construction of said buildings; creating a fund out of which the principal of and interest upon the money so borrowed may be paid, and providing that the money so borrowed shall not be and never shall become a charge against the State of Montana, or a liability, debt or obligation of the State of Montana, which said Act was approved December 19, 1933.”

And as so amended, that the same be concurred in.

CAMPBELL, Chairman.

Report adopted.

The Committee on Finance and Claims submitted the following reports:

Mr. President: We, your Committee on Finance and Claims, having had under consideration House Bill No. 71, respectfully report as follows: That House Bill No. 71 be amended as follows:

By striking out in Section 1 all of lines 16, 17, 18 and 19 of original bill and inserting in lieu thereof the following: “For equipment, materials and supplies, Forty-nine Thousand, One Hundred Forty-seven Dollars, \$49,147.00. For architects fees, Seven Thousand, Five Hundred Dollars, \$7,500.00.”

And, as so amended, be concurred in.

STAGGS, Vice-Chairman.

Report adopted.

Mr. President: We, your Committee on Finance and Claims, having had under consideration House Bill No. 75, respectfully report as follows: That House Bill No. 75 be concurred in.

STAGGS, Vice-Chairman.

Report adopted.

Mr. President: We, your Committee on Finance and Claims, having had under consideration House Bill No. 73, respectfully report as follows: That House Bill No. 73 be concurred in.

STAGGS, Vice-Chairman.

Report adopted.

The Committee on Taxation submitted the following report:

Mr. President: We, your Committee on Taxation, having had under consideration House Bill No. 72, respectfully report as follows: That House Bill No. 72 be amended as follows:

By adding at the end of line 7 of the printed bill after the word "agents" the following: "Provided, that this Act shall not apply to the sale of livestock, livestock products, grain, fruits or vegetables."

And that same be recommended for concurrence as amended.

RUFFCORN, Chairman.

Report adopted.

MOTIONS AND RESOLUTIONS

Moved by Senator Putnam that the Senate reconsider its action of yesterday in indefinitely postponing further consideration of Substitute for Substitute House Bill No. 13; motion duly seconded.

Senator Kane rose to a point of information, inquiring if Substitute for Substitute for House Bill No. 13 had been returned to the House. The Secretary stated that Substitute for Substitute for House Bill No. 13 had been returned to the House.

Thereupon Senator Kane rose to a point of order, stating that since Substitute for Substitute for House Bill No. 13 was not in the Senate that a motion for reconsideration of the Senate's action thereon was out of order, and therefore, the motion by Senator Putnam was out of order. The President sustained the point of order taken by Senator Kane.

Moved by Senator Keeley that the House be requested to return Substitute for Substitute for House Bill No. 13 to the Senate; motion duly seconded and lost by a standing vote.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Clifford in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 39 be amended in the title by inserting in the title thereof after the word "bonds" in the eleventh line of the printed bill, the same being line 13 of the engrossed bill, the following words, "providing for a lien upon bond proceeds; providing for trust indentures; providing for the creation of certain funds in connection with this Act; providing for contracts with the United States;" and by inserting after the word "for" in line 14 of the title of the printed bill, the same being line 15 of the engrossed bill, the word "purchase," and by inserting after the word "condemnation" in line 14 of the title of the printed bill, the same being line 15 of the engrossed bill, the following words, "and otherwise acquiring lands and water rights and for the sale thereof;"

That H. B. No. 39 be amended in Section 3 by striking out in line 6 of the engrossed bill, the comma (,) after the word "Governor" and insert

a period in lieu thereof. Also the words "by, and with the advice and consent of the Senate; provided that two (2) of their members shall be residents of the Second Congressional District."

That H. B. No. 39 be amended in Section 3 of the engrossed bill, line 31, after the word "expenses," by striking out the words "not exceeding Four Dollars (\$4.00) per day."

That H. B. No. 39 be amended by striking out all of Section 3 and inserting in lieu thereof the following: "Section 3. State Water Conservation Board. There is hereby created a board to be known as the "State Water Conservation Board," and by that name the board may sue and be sued, plead and be impleaded, and contract and be contracted with. The members of the Board of Railroad Commissioners of the State of Montana with the Governor acting as ex-officio member of said board and the chairman thereof, and the State Engineer acting as an ex-officio member of said board and also acting as vice-chairman, secretary and treasurer of said board, shall be and constitute the "State Water Conservation Board." Such board may provide for the holding of regular meetings and may hold a special meeting for the transaction of any business which may properly come before the board at any time and at any place in the state upon the call of the chairman or the vice-chairman or any two members, notice of which may be given by telegram or by depositing such notice in the mail at least forty-eight (48) hours before the meeting, which notice must be duly addressed with postage prepaid to the address of such member. But no notice shall be necessary if all members of the board shall be present. A majority in number of the members shall constitute a quorum and the affirmative or negative vote of three members shall be necessary to bind the board.

The board shall have and adopt a seal bearing its name, which seal shall be affixed to such records and other instruments as it may direct, and all courts shall take judicial notice of such seal. It is authorized to adopt from time to time, if necessary or expedient, suitable rules and regulations for the administration of this Act. The Attorney General shall act as legal advisor for the board and shall perform such legal services as the board may request; he shall receive his actual and necessary expenses when engaged in travel in the performance of such duties. With his consent the board may employ additional legal counsel and the board may also appoint such technical or other assistants and employees as may be necessary to enable it to perform its duties and carry out the purposes of this Act, and may fix their compensation and may provide for fidelity bonds for the faithful performance of their duties.

Each member of the board shall receive his actual and necessary traveling expenses incurred in the performance of the duties of his office while away from home, and not to exceed Four Dollars (\$4.00) per day for his board and room. All such expenses so incurred while traveling away from home shall be paid solely from the funds provided under the authority of this Act. The State Engineer shall exercise such powers and perform such duties in addition to his regular duties as State Engineer as the board shall prescribe, and may receive and be paid such additional salary for such additional duties as may be fixed by the board."

That H. B. No. 39 be amended in Section 14, printed bill, by inserting after the word "act" on line 15, the following words "and subject to a compliance with the other provisions of this Act."

That H. B. No. 39 be amended in Section 17, printed bill, by striking out the period after the word "located" in line 9 thereof, and inserting a "comma" in lieu thereof, and the following words "which right shall vest in such board on the date of the filing of such declaration."

That H. B. No. 39 be amended in Section 17, printed bill, by striking out of lines 16 and 17 thereof, the words "either by survey or," and inserting in lieu thereof the words "by actual."

That H. B. No. 39 be amended in Section 17, printed bill, by striking out the "period" at the end of the paragraph, and inserting a "comma" and the following words "unless it injuriously affects rights of prior or subsequent appropriators."

That H. B. No. 39 be amended in Section 18, printed bill, by inserting in line 1 after the word "Montana," the following words "so acquired as hereinbefore provided," and, as so amended, recommend that said H. B. No. 39 be concurred in.

That H. B. No. 38 be concurred in.

That H. B. No. 76 be concurred in.

That H. B. No. 73 be concurred in.

That H. B. No. 75 be concurred in.

That H. B. No. 71 be concurred in.

That H. B. No. 77 be concurred in.

That consideration of H. B. No. 34 be passed.

CLIFFORD, Chairman.

Moved by Senator Clifford that the foregoing report of the Committee of the Whole be adopted; motion duly seconded.

As an amendment to the report of the Committee of the Whole, Senator Larson moved that House Bill No. 38 be segregated from the report; motion to amend duly seconded and lost by the following vote:

Ayes: Campbell, Coburn, Donovan, Duncan, Eaton, Ekegren, Garber, Holt, Husband, Kane, Kilduff, Lamp, Larson, MacGilvra, Parkin, Pauline, Reed, Rowland, Simmons, Staggs, Thien, Wheeler. Total 22.

Noes: Angvick, Armstrong, Burr, Carey, Carroll, Church, Clarke, Clifford, Cooper, Danielsen, Delaney, Harris, Himsl, Holton, Jergensen, Kalberg, Kaulbach, Keeley, Kelsey, Kemmis, Murphy, Page, Plank, Plumer, Putnam, Ruffcorn, Sparling, Walker. Total 28.

Absent and not voting: Corwin, Galt, Hennessy, Melton, Wass, Willis. Total 6.

As an amendment to the report of the Committee of the Whole, Senator Kane moved that House Bill No. 39 be segregated from the report; motion to amend duly seconded and carried by the following vote:

Ayes: Angvick, Burr, Carroll, Church, Clarke, Clifford, Danielsen, Delaney, Donovan, Eaton, Himsl, Holton, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Murphy, Page, Plank, Plumer, Putnam, Ruffcorn, Sparling, Thien, Walker. Total 28.

Noes: Armstrong, Campbell, Carey, Coburn, Cooper, Duncan, Ekegren, Garber, Harris, Holt, Husband, Keeley, Lamp, Larson, MacGilvra, Parkin, Pauline, Reed, Rowland, Simmons, Staggs, Wheeler, Willis. Total 23.

Absent and not voting: Corwin, Galt, Hennessy, Melton, Wass. Total 5.

The report of the Committee of the Whole, as amended, was thereupon adopted.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

January 2, 1934.

The President of the Senate,
Senate Chamber,
Helena.

I have the honor to advise you that I have this day approved Senate Bill No. 17, relating to the deposit of the county, city and town funds.

F. H. COONEY,
Governor.

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that House Bill No. 39 be placed on General File for tomorrow.

Moved by Senator Kemmis, duly seconded and carried, that House Bill No. 34 be mimeographed and that a copy thereof be placed on the desk of each member of the Senate.

Moved by Senator Holt that the House be requested to return House Bill No. 20 to the Senate; motion duly seconded. Upon a standing vote of the members the President ruled that the motion was lost.

Senator Church appealed from the decision of the Chair on the ruling of the President on the motion by Senator Holt that the House be requested to return House Bill No. 20 to the Senate.

Thereupon roll was called and the decision of the Chair on Senator Holt's motion that the House be requested to return House Bill No. 20 to the Senate was sustained by the following vote:

Ayes: Angvick, Armstrong, Campbell, Carey, Carroll, Clarke, Coburn, Cooper, Donovan, Duncan, Eaton, Ekegren, Harris, Himsl, Holton, Husband, Kalberg, Kane, Kaulbach, Kemmis, Lamp, Larson, MacGilvra, Parkin, Reed, Rowland, Ruffcorn, Sparling, Staggs, Thien, Wheeler. Total 31.

Noes: Burr, Church, Clifford, Danielsen, Delaney, Garber, Hennessy, Holt, Jergensen, Keeley, Kelsey, Kilduff, Murphy, Page, Plank, Plumer, Putnam, Simmons, Walker, Willis. Total 20.

Absent and not voting: Corwin, Galt, Melton, Wass. Total 4.

Passed: Pauline.

Moved by Senator Burr that the Senate reconsider its action of this morning in refusing to request the House to return Substitute for Substitute for House Bill No. 13 to the Senate; motion duly seconded.

Senator Armstrong rose to a point of information, inquiring if Senator Burr had voted with the prevailing side on the motion that the House be requested to return Substitute for Substitute for House Bill No. 13 to the Senate. Senator Burr stated that he had not voted with the prevailing side.

Thereupon Senator Armstrong rose to a point of order, stating that the motion for reconsideration by Senator Burr was out of order inasmuch as the Senator had not voted with the prevailing side on the motion that the House be requested to return Substitute for Substitute for House Bill No. 13 to the Senate. The President sustained the point of order taken by Senator Armstrong.

Moved by Senator Putnam that the Senate reconsider its action of this morning in refusing to request the House to return Substitute for Substitute for House Bill No. 13 to the Senate; motion duly seconded.

Senator Donovan rose to a point of order, stating that Senator Putnam, prior to this time, had made the same motion on the same subject; and, therefore, the motion by Senator Putnam that the Senate reconsider its action of this morning in refusing to request the House to return Substitute for Substitute for House Bill No. 13 was out of order. The President overruled the point of order taken by Senator Donovan.

Action was thereupon had on the motion by Senator Putnam that the Senate reconsider its action of this morning in refusing to request the House to return Substitute for Substitute for House Bill No. 13 to the Senate; which motion was lost by the following vote:

Ayes: Burr, Church, Clarke, Clifford, Coburn, Cooper, Danielsen, Delaney, Duncan, Garber, Harris, Himsl, Jergensen, Keeley, Larson, MacGilvra, Murphy, Page, Putnam, Thien, Willis. Total 21.

Noes: Angvick, Armstrong, Campbell, Carey, Carroll, Donovan, Eaton, Ekegren, Hennessy, Holt, Holton, Husband, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Parkin, Pauline, Plank, Plumer, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Walker, Wheeler. Total 31.

Absent and not voting: Corwin, Galt, Melton, Wass. Total 4.

Upon motion of Senator Kane, duly seconded and carried, Third Reading of Bills was passed for the day.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 4:29 P. M., until 11:00 A. M., Wednesday, January 3, 1934.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

THIRTY-EIGHTH DAY

Helena, Montana, January 3, 1934.

Senate convened at 11:00 a. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present, except: Melton, absent. Corwin, Delaney, Ekegren, Galt, Kaulbach, Murphy, Willis, excused. Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Thirty-seventh Legislative day and have found the same correct.

GARBER, Chairman.

Report adopted.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

January 3, 1934.

The President of the Senate,
Senate Chamber,
Helena, Montana.

From many school districts and members of the Legislative Assembly have come requests that legislation be enacted at the present session permitting school districts to have made special levies to permit the redemption of outstanding warrants. The necessity for this legislation develops from a recent decision of our Supreme Court, to which reference was made in a recent message to you. Unless some remedial legislation is enacted a number of the schools must close their doors.

I therefore recommend that this Extraordinary Session enact a bill authorizing school districts, through the County Commissioners of the several counties, to make special levies to secure funds for the redemption of outstanding school district warrants.

F. H. COONEY, Governor.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

January 2, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on Printing: House Bill No. 76 and House Bill No. 77 considered correctly printed.

Committee on Enrolling: House Bill No. 19 considered correctly enrolled.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on Enrolling: Sub. H. B. No. 18, considered correctly enrolled.

Committee on Enrolling: H. B. No. 26, considered correctly enrolled.

Committee on Enrolling: H. B. No. 68, considered correctly enrolled.

Committee on Federal Relations: S. B. No. 8, re-referred to Committee on State Lands.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 2, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the committee to act with a like committee from the Senate for the investigation of a building site at Great Falls for the school for the deaf and dumb is as follows: McCarvel, Haight, Moss.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 2, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Speaker this day signed the following bills: Substitute House Bill No. 18; House Bill No. 26; House Bill No. 68.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 2, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Speaker this day signed House Bill No. 19.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

MOTIONS AND RESOLUTIONS

Moved by Senator Thien, duly seconded and carried, that House Bill No. 38 be taken from Third Reading of Bills and placed on General File.

Moved by Senator Kemmis, duly seconded and carried, that House Bill No. 34 be taken from General File for today and placed on General File for tomorrow.

Moved by Senator Kane, duly seconded and carried, that House Bill No. 77 be taken from Third Reading of Bills and placed at the top of the list of bills on General File.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Staggs in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 77 be amended in Section 1 by striking out in line 8 of the engrossed bill, after the word and figure "Section 4", the following "of House Bill No. 3 enacted by" and inserting in lieu thereof the words "Chapter 7, of the laws of"; and, as so amended, recommend that said H. B. No. 77 be concurred in.

That H. B. No. 39 be amended by inserting in the title thereof after the word "bonds" in the eleventh line of the printed bill, the same being line 13 of the engrossed bill, the following words, "providing for a lien upon bond proceeds; providing for trust indentures; providing for the creation of certain funds in connection with this Act; providing for contracts with the United States;" and by inserting after the word "for" in line 14 of the title of the printed bill, the same being line 15 of the engrossed bill, the word "purchase", and by inserting after the word "condemnation" in line 14 of the title of the printed bill, the same being line 15 of the engrossed bill, the following words, "and otherwise acquiring lands and water rights and for the sale thereof;".

That H. B. No. 39 be amended in Section 3 of the Printed Bill by striking out the period in line 50 and by inserting the following (lines 51 and 52) after the word "prescribed" and may receive and be paid such additional salary for such additional duties as may be fixed by the Board.

That H. B. No. 39 be amended in Section 3 of H. B. No. 39 by striking out in line 6 of the engrossed bill the comma (,) after the word "Governor", and inserting a period in lieu thereof. Also the words, "by, and with the advice and consent of the Senate; provided that two (2) of these members shall be residents of the Second Congressional District."

That H. B. No. 39 be amended in Section 3 of H. B. No. 39, being the engrossed bill, line 31, after the word "expenses," by striking out the words, "not exceeding Four Dollars (\$4.00) per day."

That H. B. No. 39 be amended in Section 14 of the printed bill, by inserting after the word "act" on line 15, the following words "and subject to a compliance with the other provisions of this Act."

That H. B. No. 39 be amended in Section 17 of the printed bill, by striking out the period after the word "located" in line 9 thereof, and inserting a "comma" in lieu thereof, and the following words "which right shall vest in such Board on the date of the filing of such declaration."

That H. B. No. 39 be amended in Section 17 of the printed bill, by striking out of lines 16 and 17 thereof, the words "either by survey or," and inserting in lieu thereof the words "by actual."

That H. B. No. 39 be amended in Section 17 by striking out the period at the end of the section, and inserting in lieu thereof a comma followed by the following words: "if others are not thereby injured."

That H. B. No. 39 be amended in Section 18 of the printed bill, by inserting in line 1 after the word "Montana," the following words "so acquired as hereinbefore provided." And, as so amended, recommend that said H. B. No. 39 be concurred in.

That the committee rise.

STAGGS, Chairman.

Upon motion of Senator Staggs, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 1:23 p. m., until 2:30 p. m.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:30 p. m.
President presiding.

With unanimous consent, the Senate reverted to:

MOTIONS AND RESOLUTIONS

Moved by Senator Carroll that the House be requested to return House Bill No. 35, to the Senate; motion duly seconded and lost.

The President signed in open Session: House Bill No. 19, House Bill No. 69. House Joint Memorial No. 5, House Bill No. 32.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Staggs in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That consideration of H. B. No. 72 be passed.

That H. B. No. 38 be amended in the title by inserting after the word "delinquent" in the second line, the words: "ad valorum."

That H. B. No. 38 be amended in Section 1 by inserting after the word "delinquent" in line 1 and before the word "taxes" on line 2, the following words: "ad valorum."

And, as so amended, recommend that said H. B. No. 38 be concurred in.
 STAGGS, Chairman.

Upon motion of Senator Staggs, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Moved by Senator Kane, duly seconded and carried, that all bills considered on Third Reading this day be read by title only, and be considered read at length.

THIRD READING OF BILLS

H. B. No. 71, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Danielsen, Donovan, Duncan, Eaton, Garber, Harris, Hennessy, Himsl, Holt, Husband, Jergensen, Kalberg, Kane, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 46.

Noes: Armstrong.

Absent and not voting: Cooper, Corwin, Delaney, Ekegren, Galt, Holton, Kaulbach, Melton, Murphy, Total 9.

H. B. No. 73, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Donovan, Duncan, Eaton, Garber, Harris, Hennessy, Himsl, Holt, Husband, Jergensen, Kalberg, Kane, Keeley, Kelsey, Kilduff, Lamp, Larson, MacGilvra, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 45.

Noes: Garber, Kemmis.

Absent and not voting: Corwin, Danielsen, Delaney, Ekegren, Galt, Holton, Kaulbach, Melton, Murphy. Total 9.

H. B. No. 75, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Danielsen, Donovan, Duncan, Eaton, Garber, Harris, Hennessy, Himsl, Holt, Husband, Jergensen, Kalberg, Kane, Keeley, Kelsey, Kilduff, Lamp, Larson, MacGilvra, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler. Total 45.

Noes: Armstrong, Kemmis.

Absent and not voting: Corwin, Delaney, Ekegren, Galt, Holton, Kaulbach, Melton, Murphy, Willis. Total 9.

H. B. No. 76, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Church, Clarke, Clifford, Coburn, Cooper, Danielsen, Donovan, Duncan, Eaton, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane,

Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGivra, Page, Parkin, Pauline, Plank, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 47.

Noes: Carroll, Plumer.

Absent and not voting: Corwin, Delaney, Ekegren, Galt, Kaulbach, Melton, Murphy. Total 7.

H. B. No. 39, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Campbell, Burr, Carey, Church, Clarke, Clifford, Coburn, Cooper, Danielsen, Donovan, Duncan, Eaton, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGivra, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler. Total 46.

Noes: None.

Absent and not voting: Corwin, Delaney, Ekegren, Galt, Kaulbach, Melton, Murphy, Willis. Total 8.

Passed: Carroll, Garber.

H. B. No. 77, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Burr, Campbell, Carey, Carroll, Clarke, Clifford, Coburn, Cooper, Danielsen, Donovan, Duncan, Eaton, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kelsey, Kemmis, Lamp, Larson, MacGivra, Parkin, Pauline, Plank, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 42.

Noes: Armstrong, Garber, Keeley, Kilduff, Page, Plumer, Total 6.

Absent and not voting: Church, Corwin, Delaney, Ekegren, Galt, Kaulbach, Melton, Murphy. Total 8.

H. B. No. 38, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Carey, Carroll, Church, Clarke, Clifford, Danielsen, Harris, Himsl, Holton, Jergensen, Kalberg, Keeley, Kelsey, Kemmis, Page, Plank, Plumer, Putnam, Ruffcorn, Sparling, Walker, Wass. Total 25.

Noes: Campbell, Coburn, Cooper, Donovan, Duncan, Eaton, Garber, Hennessy, Holt, Husband, Kane, Kilduff, Lamp, Larson, MacGivra, Parkin, Pauline, Reed, Rowland, Simmons, Staggs, Thien, Wheeler. Total 23.

Absent and not voting: Corwin, Delaney, Ekegren, Galt, Kaulbach, Melton, Murphy, Willis. Total 8.

With unanimous consent, the Senate reverted to:

MOTIONS AND RESOLUTIONS

Moved by Senator Campbell, duly seconded and carried, that House Bill No. 57 be taken from the Judiciary Committee and referred to the Committee on Taxation.

Upon motion by Senator Kane, duly seconded and carried, the Senate adjourned at 3:12 p. m., until 11:00 a. m., Thursday, January 4, 1934.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

THIRTY-NINTH DAY

Helena, Montana, January 4, 1934.

Senate convened at 11:00 A. M.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present except Galt, excused; Melton, absent.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Thirty-eighth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

January 4, 1934.

The President of the Senate,
Senate Chamber,
Helena.

I have the honor to advise you that I have this day approved the following measures:

S. B. No. 10—Authorizing the State Engineer to negotiate compacts with other states regarding interstate waters.

S. J. R. No. 2—Requesting allotment of funds for the construction of a highway from Circle to the Fort Peck Dam.

F. H. COONEY,
Governor.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

January 3, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day made and, upon motion, adopted:

Committee on Judiciary—Senate Bill No. 14, placed on General Orders.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 3, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration Business on General Orders, do report that we recommend:

S. A. H. B. No. 47, be concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 3rd, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day introduced without previous notice by unanimous consent, referred to Committee on Education, recommended by said committee that it do pass; upon motion considered correctly printed and placed upon General Orders:

H. B. No. 78, by Stiefel: A bill for an Act entitled: "An Act authorizing Boards of Trustees of school districts to levy special taxes for the payment of all warrants outstanding and unpaid at the close of the school year ending June 30, 1934."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 3rd, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Speaker this day signed the following:

H. B. No. 32; H. B. No. 69, and H. J. M. No. 5.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 3, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, Senate Bill No. 21, passed for the day.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 3, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Senate amendments to House Bill No. 47 were this day read and concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading sections only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Church in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

- That H. B. No. 72 be not concurred in.
- That H. B. No. 34 be not concurred in.

CHURCH, Chairman.

Moved by Senator Church that the foregoing report of the Committee of the Whole be adopted; motion duly seconded.

As an amendment to the report of the Committee of the Whole, Senator Keeley moved that House Bill No. 34 be segregated from the report; motion to amend duly seconded and lost by the following vote:

Ayes: Burr, Clarke, Clifford, Corwin, Delaney, Duncan, Garber, Hennessy, Himsl, Holt, Husband, Jergensen, Kane, Kaulbach, Keeley, Kelsey, Kilduff, Murphy, Page, Plank, Reed, Ruffcorn, Simmons, Sparling, Walker, Willis. Total 26.

Noes: Angvick, Armstrong, Campbell, Carey, Carroll, Church, Coburn, Cooper, Danielsen, Donovan, Eaton, Ekegren, Harris, Holton, Kalberg, Kemmis, Lamp, Larson, MacGivra, Parkin, Pauline, Plumer, Putnam, Rowland, Staggs, Thien, Wass, Wheeler. Total 28.

Absent and not voting: Galt, Melton.

The report of the Committee of the Whole was thereupon adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 1:25 P. M., until 2:30 P. M.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:30 P. M. President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Judiciary Committee submitted the following reports:

Mr. President: We, your Committee on Judiciary, having had under consideration Substitute House Bill No. 30, respectfully report as follows: That Sub. House Bill No. 30 be amended as follows:

In Section 14 of the engrossed bill by striking out all of line 18 and inserting in lieu thereof the following: "each retailer in towns having a population less than Five Hundred (500) One Hundred Dollars (\$100.00); each retailer in cities and towns having a population of Five Hundred (500) and not more than One Thousand (1,000) One Hundred and Fifty Dollars (\$150.00); each retailer in cities or towns having a population of One Thousand (1,000) or more, Two Hundred Dollars (\$200.00)."

By striking out all of Section 16 after the word "follows" in line 29 of the engrossed bill and inserting the following in lieu thereof: "one-half (½) thereof shall be transferred to the General Fund of the State of Montana and the remaining one-half (½) shall be distributed to the Emergency Relief Fund to be administered by the State Emergency Relief Commission of the State of Montana," and, as so amended, be concurred in.

CAMPBELL, Chairman.

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 40, respectfully report as follows: That House Bill No. 40 be amended as follows:

That the title of said bill be amended by striking out in line 6 of the engrossed bill the words "allocation and," and by striking out in line 7 of the engrossed bill all of the words after the word "law" and by striking out all of line 8 of said engrossed bill and inserting in lieu thereof the following: "to the Emergency Relief Fund of the State of Montana."

That said bill be further amended by striking out of the engrossed bill in Section 1 thereof, all of lines 19, 20, and the words "each county" in line 21, and by inserting in lieu thereof the following: "distributed to the Emergency Relief Fund of the State of Montana to be administered by the Emergency Relief Commission of Montana," and, that as so amended same be concurred in.

Report adopted.

CAMPBELL, Chairman.

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 55, respectfully report as follows: That House Bill No. 55 be not concurred in.

Report adopted.

CAMPBELL, Chairman.

Mr. President: We, your Committee on Judiciary, having had under consideration Substitute House Bill No. 64, respectfully report as follows: That Sub. House Bill No. 64 be not concurred in.

CAMPBELL, Chairman.

Moved by Senator Campbell that the foregoing report of the Judiciary Committee on Substitute for House Bill No. 64 be adopted; motion duly seconded.

As a substitute motion to the motion by Senator Campbell, Senator Burr moved that Substitute for House Bill No. 64 be placed on General File; substitute motion duly seconded and lost.

The report of the Judiciary Committee on Substitute for House Bill No. 64 was thereupon adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 43, respectfully report as follows: That House Bill No. 43 be not concurred in.

Report adopted.

CAMPBELL, Chairman.

BUSINESS ON GENERAL FILE

Upon motion by Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Church in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That consideration of Substitute for H. B. No. 30 be passed.

That H. B. No. 40 be amended in Section 1 by striking out in lines 25 and 26 of the engrossed bill: "net profits derived from any such county in the administration of the law," and inserting in lieu thereof the words: "population of each of the several counties."

That H. B. No. 40 be amended in Section 1 by inserting after the word "Act" in line two the following: "After all stores are established in accordance with the provisions of this Act," and, as so amended, recommend that H. B. No. 40 be concurred in.

CHURCH, Chairman.

Upon motion of Senator Church, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Church in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That Substitute House Bill No. 30 be amended by adding after Section 10, in line 6 of page 5 of the printed bill, the following:

"Section 11. That Section 31 of Chapter 106 of the Session Laws of 1933 be and the same is hereby amended to read as follows: 'Section 31. It shall be unlawful for such retailer to purchase or acquire beer from any one except a brewer or wholesaler licensed under the provisions of this Act, or for any person, firm or corporation to sell or dispose of beer to any person under the age of twenty-one (21) years, or to any person who shall appear to be in an intoxicated or disorderly condition, or to allow or permit any intoxicated or disorderly person to come into or remain in or about his premises. It is further provided that no person under the age of twenty-one (21) years shall dispense or serve beer to patrons,' and, that the following sections be renumbered to correspond.

That Substitute for H. B. No. 30 be amended in the title by adding in line 4 of the title of the printed bill, after the figure "30," the following figures and comma "31," and, as so amended, recommend that said Substitute for H. B. No. 30 be concurred in.

CHURCH, Chairman.

Upon motion of Senator Church, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

The President signed in open Session: House Bill No. 76; House Bill No. 73; House Bill No. 75; House Bill No. 47.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 4:05 P. M., until 4:25 P. M.

Pursuant to recess, the Senate reconvened at 4:25 P. M.

President presiding.

THIRD READING OF BILLS

Substitute for H. B. No. 30, having been read at length three several times, was concurred in by the following vote:

Ayes: Armstrong, Burr, Campbell, Carey, Carroll, Church, Clifford, Coburn, Cooper, Delaney, Duncan, Eaton, Ekegren, Harris, Himsl, Holt, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff,

Lamp, Larson, MacGivra, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Simmons, Staggs, Walker, Wass, Wheeler, Willis. Total 42.

Noes: None.

Absent and not voting: Angvick, Clarke, Corwin, Danielsen, Donovan, Galt, Garber, Hennessy, Holton, Keeley, Melton, Ruffcorn, Sparling, Thien. Total 14.

H. B. No. 40, having been read at length three several times, was concurred in by the following vote:

Ayes: Armstrong, Burr, Campbell, Carey, Carroll, Church, Clifford, Coburn, Cooper, Delaney, Duncan, Eaton, Ekegren, Harris, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGivra, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Simmons, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 45.

Noes: None.

Absent and not voting: Angvick, Clarke, Corwin, Danielsen, Donovan, Galt, Garber, Hennessy, Melton, Ruffcorn, Sparling. Total 11.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 4:31 P. M., until 11:00 A. M., January 5, 1934.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

FORTIETH DAY

Helena, Montana. January 5, 1934.

Senate convened at 11:00 a. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present, except: Galt, Kaulbach, excused.

Quorum present.

The Committee on Journal submitted the following report:

January 5, 1934.

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Thirty-ninth Legislative day and have found the same correct.

GARBER, Chairman.

Report adopted.

PETITIONS AND COMMUNICATIONS

The following communication was received and read:

Mr. President, and members of the Senate of the State of Montana:

You will remember that a few weeks ago a committee of the Senate, of which Senator Clifford was chairman, drew up a report to determine the necessities and facilities for liquidation of buildings requested by the various institutions of the state. Under the Section "Missoula" the following was inserted in this report:

"The Board of Education contemplates Expenditures of \$300,000.00 for a Student Union Building at Missoula. The cost of which will also be collected from the students. We note that it is claimed that they al-

ready have accumulated funds to the amount of \$50,000.00 but there is great doubt in our minds as to whether these funds could be made available at this time to help build this building."

Further investigation by myself since that time has convinced me that there is a serious need for further investigation as to the investments hereinabove mentioned, especially so in view of the fact that students' money will be used materially in the erection of the new proposed Students Union Building at the University.

I hereby petition that you appoint a committee of three to investigate these matters and report back to the Senate as soon as convenient.

Respectfully yours,
 GEORGE A. BURR.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was, without previous notice, by unanimous consent introduced in the House; referred to the Judiciary Committee; recommended by said committee that same do pass. Upon motion, considered correctly printed and placed upon General Orders. Committee of the Whole recommended that it do pass; upon motion considered correctly engrossed and placed upon calendar for Third Reading. Read three several times, history and title agreed to and passed:

H. B. No. 79. By Fitzstephens. A bill for an Act entitled: "An Act to amend Section 10 of Chapter 24 of the Laws of the Extraordinary Session of the Twenty-third Legislative Assembly, being 'An Act to provide emergency relief by employment by authorizing counties, cities, towns, rural improvement districts, school districts, and any other political subdivisions, or any other governmental agencies of the state to make loans, convey lands, accept grants from the President of the United States and from the State of Montana, to borrow money and to enter into contracts and arrangements for the construction of public works.'"

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

S. A. H. B. No. 38, be concurred in. S. A. H. B. No. 77, be concurred in. S. A. H. B. No. 39, be concurred in. S. B. No. 11, passed for the day.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

January 4th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole, having had under consideration business on General Orders, do report that we recommend:

S. B. No. 14, be concurred in as amended.
 H. B. No. 78, do pass as amended.
 S. B. No. 21, be concurred in.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

January 4th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that Senate Amendments to the following bills were this day read three several times, title and history agreed to and concurred in:

S. A. H. B. No. 38.
S. A. H. B. No. 77.
S. A. H. B. No. 39.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 4th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Senate bill was this day read three several times, title and history agreed to, concurred in as amended and is herewith returned to the Senate.

S. B. No. 14.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 4th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times, passed, title and history agreed to, and the bill is herewith transmitted to the Senate for its concurrence:

H. B. No. 78.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 4th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Speaker this day signed the following:

H. B. No. 47, H. B. No. 73, H. B. No. 75 and H. B. No. 76.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 4th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that upon motion the clerk was authorized to change the word "attached" in line 15 of page 3 of the Engrossed Senate Bill No. 14, to the word "attacked."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Moved by Senator Kane, duly seconded and carried, that consideration of House amendments to Senate Bill No. 14 be passed.

INTRODUCTION OF BILLS

The following bills were introduced, read first and second times, and referred:

H. B. No. 78. Introduced by Stiefel. A bill for an Act entitled. "An Act authorizing boards of trustees of school districts to levy special taxes for the payment of all warrants outstanding and unpaid at the close of the school year ending June 30, 1934." Referred to Committee on Education.

H. B. No. 79. Introduced by Fitzstephens. A bill for an Act entitled: "An Act to amend Section 10 of Chapter 24 of the laws of the Extraordinary Session of the Twenty-third Legislative Assembly, being 'An Act to provide emergency relief by employment by authorizing counties, cities, towns, rural improvement districts, school districts and any other political sub-divisions, or any other governmental agencies of the state to make loans, convey lands, accept grants from the President of the United States and from the State of Montana, to borrow money and to enter into contracts and arrangements for the construction of public works.'" Referred to Judiciary Committee.

MOTIONS AND RESOLUTIONS

The following motion was submitted:

Mr. President: I move that a committee of three be appointed by you to investigate the investment of student funds at the University at Missoula and any other matter that they deem necessary. I ask that this committee be given the authority to subpoena witnesses and visit the university in question to enable them to make a comprehensive report to the Senate.

BURR.

The foregoing motion was duly seconded and carried.

Moved by Senator Kane, duly seconded and carried, that all bills on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

The President appointed the following as members of the committee to investigate the students' fund at the University of Montana at Missoula: Senators Thien, Burr, Eaton.

With unanimous consent, the Senate reverted to:

INTRODUCTION OF BILLS

With unanimous consent, the following Joint Memorial was introduced without previous notice having been given, read first and second times, and referred:

S. J. M. No. 6. Introduced by Willis and Walker. "A Joint Memorial addressed to the President and the Congress of the United States requesting the allocation of money appropriated by the Congress of the United States for the Civil Works Service Commission, Art Division—acting under the Public Works Division of the N. R. A. of the United States government, with which to build a suitable memorial in the city of Great Falls, Montana, in commemoration of the artistic works of Charles M. Russell, of Montana, the noted Cowboy Artist." Referred to Committee on Federal Relations.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:33 a. m., until 11:55 a. m.

Pursuant to recess, the Senate reconvened at 11:55 a. m.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Taxation submitted the following reports:

Mr. President: We, your Committee on Taxation, having had under consideration House Bill No. 57, respectfully report as follows: That House Bill No. 57 be amended as follows:

1. Strike out of line 5, page 1, of the original bill in the title the words "telephone or."

2. Strike out of Section 1, line 10, the words "and telephone" and the words "and conversations."

3. Strike out of Section 1, line 11, the words "or telephone."

4. Strike out of lines 13 and 14 of Section 1 the words "by any telephone company."

5. Strike out all of Section 1 beginning with the word "every" in line 15 and ending with the word "phone" in line 22 and insert in lieu thereof the following: "Such annual license tax shall be paid in quarterly installments for the quarters ending respectively March 31, June 30, September 30 and December 31, in each year."

6. Strike out in Section 2 all of lines 23, 24, 25, and 26, (being the first four lines) and insert in lieu thereof the following: "Section 2. Each and every person, association or corporation engaged in carrying on such business in this state shall, within thirty (30) days after the end of each quarter, beginning with the quarter ending March 31st, 1934, make out in duplicate and file with the."

7. Amend Section 2 by striking out of line 30 the words "or telephone."

8. Amend Section 2 by striking out of line 1, page 2, the words "or telephone."

9. Amend Section 2 by striking out of line 5, page 2, the words "calendar month" and inserting in lieu thereof the words "preceding quarter."

10. Amend Section 6 by striking out of line 29 the words "telephone or."

11. Strike out in Section 9, page 4, line 29, after the word "following": the words and figures "forty per cent (40%)" and insert in lieu thereof the words and figures "eighty (80%) per cent" and in line 30 of Section 9 after the word "Fund"; strike out the words and figures "forty per cent (40%) to the Unemployment Relief Fund;"

12. Strike out on page 5 all of Section 10 and renumber Sections 11 and 12 so that they will appear as Sections 10 and 11, and that the bill, as so amended, be concurred in.

RUFFCORN, Chairman.

Report adopted.

Mr. President: We, your Committee on Taxation, having had under consideration House Bill No. 51, respectfully report as follows: That House Bill No. 51 be amended as follows:

On page 1, Section 1, in line 18 of the original bill after the word "of" strike out the word "January" and insert in lieu thereof the word "March."

On page 1, Section 1, in line 21 of the original bill strike out the words and figures, "Three Dollars (\$3.00)" and insert in lieu thereof the words and figures "Two Dollars (\$2.00)."

On page 1, Section 1, in line 31 of the original bill strike out the words and figures, "Three Dollars (\$3.00)" and insert in lieu thereof the words and figures "Four Dollars (\$4.00)."

On page 2, Section 2, in line 5 of the original bill strike out the following: "Section 4. All license fees paid to the State Treasurer under the provisions of this Act shall be by him, until January 1, 1935, credited to the following: Twenty-five per cent (25%) thereof to the General Fund of the state, and seventy-five per cent (75%) thereof shall be apportioned and paid to the various counties of the state and to the County Treasurer thereof in the proportion to each county that the population of such county bears to the total population of the state, based on the 1930 United States census. This amount to the several counties to be for the use and benefit of the Poor Fund only of such counties, and used in connection with Federal and other funds for the support and relief of the needy, to provide employment for the unemployed, and in relieving the distress of the people who have claims upon the aid of society. After January 1, 1935, all license fees provided herein, shall be by the State Treasurer divided by the counties in this state according to the number of telephone instruments in use from time to time in the respective counties of the state, and in each such computation and division the State Treasurer shall transmit the share of each county to the County Treasurer thereof, for the use and benefit of the County General Fund," and insert in lieu thereof the following:

"Section 4. Five per centum (5%) of the license fees paid to the State Treasurer under this Act are hereby appropriated and shall be set aside by him for the purpose of defraying the cost of administering this Act by the State Board of Equalization, and the remaining ninety-five per centum (95%) thereof shall be by him credited to the Emergency Relief Fund until such time as the Governor may issue a proclamation to the effect that the same is no longer required for such Emergency Relief Fund, and after the issuance of such proclamation said ninety-five per centum (95%) of such license fees shall be by such State Treasurer credited to the General Fund of the state."

Add a new section to be designated as Section 3 to read as follows: "Section 3. No tax which has attached, accrued, or become due or payable under the provisions of Chapter 174, Session Laws 1933, shall be released or waived by the passage or approval of this Act but the same shall be paid as provided in said Chapter before its amendment by this Act."

Renumber Section 3 so that it will appear as Section 4, and, as so amended, recommend that this bill be concurred in.

RUFFCORN, Chairman.

Report adopted.

The Committee on Federal Relations submitted the following report:

Mr. President: We, your Committee on Federal Relations, having had under consideration Senate Joint Memorial No. 6, respectfully report as follows: That S. J. M. No. 6 do pass.

EKEGREN, Chairman.

Report adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 12:08 P. M., until 2:30 P. M.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:30 P. M.
President presiding.

Moved by Senator Kane that the House amendments to Senate Bill No. 14 be concurred in; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Daniels, Donovan, Duncan, Eaton, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 47.

Noes: None.

Absent and not voting: Cooper, Corwin, Delaney, Ekegren, Galt, Kaulbach, MacGilvra, Melton, Murphy. Total 9.

REPORTS OF SELECT COMMITTEES

The following Select Committee report was submitted:

Mr. President: Since our report of December 2nd, additional information has come to your committee regarding the amount of money needed for relief.

The Director of Relief and Civil Works, T. C. Spaulding, reports that through additional allotment of funds by the Federal Government, that \$750,000 is the amount now estimated as necessary to be provided by this Special Session for relief. This figure should take the place of the \$1,200,000 as recommended in our former report, thus reducing the amount necessary for relief from this body by the amount of \$450,000. This reduction means that the original amount called for at the beginning of this Session of \$1,500,000 for relief as considered by the House in passing the various revenue measures has now been reduced by one-half, and very materially affects the amount necessary to be derived from these measures:

By action of the Senate, January 4th, the revenues of the Liquor Board were allocated as follows:

100% to Relief Funds.

Our estimates of \$1,200,000.00 from Liquor Sales as given in our former report was based on a year's operation of these stores and were from the estimates of anticipated returns as made by the Liquor Control Board. The action of the Senate in asking for a complete set-up of the Liquor Stores in all counties before any income can come from the business to the state, and the probable return of the original appropriation from these profits before money is available for relief, causes your committee to estimate that \$600,000.00 will be nearer the amount to be secured in revenue from the Liquor Stores by January 1st, 1935. The estimate of annual revenue from the Liquor Stores of at least \$2.00 per person, or \$2.00 per gallon of liquor consumed with one gallon as the average consumption, seems to the committee to be a fair estimate and we find that in all estimates made in the present congress that this figure is the minimum estimate made in attempting to arrive at the amount of federal revenue from a \$2.00 per gallon tax on spirits.

The \$600,000.00 to be derived from spirits for the year 1934 is to be used entirely for relief and the amount from the beer business, which can now be reasonably estimated as \$400,000.00, is to be allocated \$200,000.00, General Fund, \$200,000.00 Relief.

Thus this body has provided for relief thus far:

H. B. No. 5, Inheritance Tax.....	\$111,000.00
H. B. No. 30, Beer Bill	200,000.00
H. B. No. 40, Liquor	600,000.00

\$911,000.00

In addition to the money for relief purposes there should be provided by this Assembly the following amounts for the General Fund Appropriations:

Present Legislature	\$105,085.00
State Engineer	9,230.00
Repairs to Capitol	56,647.00
	<hr/>
	\$170,962.00

We recommend that only sufficient revenue be raised to take care of the General Fund appropriations made by this session.

REED,
EATON,
HOLT,
DUNCAN.

Moved by Senator Reed, duly seconded and carried that the foregoing select committee report be adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

January 5, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, to report that we recommend:

S. B. No. 11, be concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 5, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Senate bill was this day read third time, title agreed to, concurred in, and the bill is herewith returned to the Senate:

S. B. No. 11.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 5, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read third time and concurred in. Title agreed to and the bill is herewith returned to the Senate:

S. B. No. 21.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

MOTIONS AND RESOLUTIONS

Moved by Senator Keeley, duly seconded and carried, that the Taxation Committee amendments to House Bills Nos. 51 and 57 be mimeographed and placed on the desks of the members.

Moved by Senator Sparling, duly seconded and carried, that House Bills Nos. 51 and 57 be taken from General File for today and placed on General File for tomorrow.

Moved by Senator Burr that the Senate reconsider its action by which it voted to sustain the report of the Judiciary Committee on Substitute for House Bill No. 64; motion duly seconded.

Senator Campbell rose to a point of information inquiring if Substitute House Bill No. 64 had been returned to the House. The Secretary stated that Substitute for House Bill No. 64 had been returned to the House.

Thereupon Senator Campbell, rose to a point of order stating that inasmuch as Substitute for House Bill No. 64 had been returned to the House that the motion for reconsideration by Senator Burr was out of order. The President sustained the point of order taken by Senator Campbell.

Moved by Senator Burr that the House be requested to return Substitute House Bill No. 64 to the Senate; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Church, Clarke, Clifford, Danielson, Harris, Hennessy, Himsl, Holt, Holton, Jergensen, Kalberg, Kane, Kelsey, Kilduff, Page, Pauline, Plank, Plumer, Putnam, Ruffcorn, Sparling, Walker, Wass, Willis. Total 27.

Noes: Campbell, Carey, Carroll, Coburn, Donovan, Duncan, Eaton, Garber, Husband, Keeley, Kemmis, Lamp, Larson, Parkin, Reed, Rowland, Simmons, Staggs, Thien, Wheeler. Total 20.

Absent and not voting: Cooper, Corwin, Delaney, Ekegren, Galt, Kaulbach, MacGilvra, Melton, Murphy. Total 9.

Moved by Senator Carroll, duly seconded and carried, that the House be requested to return House Bill No. 34 to the Senate.

Upon motion of Senator Keeley, duly seconded and carried, the Senate recessed at 2:58 p. m., until 3:30 p. m.

Pursuant to recess, the Senate reconvened at 3:30 p. m.

President presiding.

With unanimous consent, the Senate reverted to:

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

January 5, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that upon the request of your Honorable Body, Substitute for House Bill 64 and House Bill No. 34, are herewith returned to the Senate.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

MOTIONS AND RESOLUTIONS

Moved by Senator Carroll that the Senate reconsider its action of yesterday in reference to House Bill No. 34; motion duly seconded.

As a substitute motion to the motion by Senator Carroll, Senator Kemmis moved that consideration of House Bill No. 34 and all matters pertaining thereto be indefinitely postponed; substitute motion duly seconded and lost by the following vote:

Ayes: Angvick, Armstrong, Carey, Church, Coburn, Danielsen, Donovan, Duncan, Ekegren, Hennessy, Holton, Kalberg, Kemmis, Kilduff, Lamp, Larson, Parkin, Pauline, Plumer, Putnam, Reed, Rowland, Staggs, Thien, Wheeler. Total 25.

Noes: Burr, Campbell, Carroll, Clarke, Clifford, Cooper, Corwin, Delaney, Eaton, Garber, Harris, Himsl, Holt, Husband, Jergensen, Kane, Keeley, Kelsey, MacGilvra, Murphy, Page, Plank, Ruffcorn, Simmons, Sparling, Walker, Wass, Willis. Total 28.

Absent and not voting: Galt, Kaulbach, Melton. Total 3.

Action was thereupon had on the motion by Senator Carroll that the Senate reconsider its action of yesterday in reference to House Bill No. 34; which motion was carried.

Moved by Senator Keeley, duly seconded and carried, that House Bill No. 34 be referred to the Committee on Labor and Capital.

Moved by Senator Burr that the Senate reconsider its action by which it accepted the adverse report of the Judiciary Committee on Substitute for House Bill No. 64; motion duly seconded and lost by the following vote:

Ayes: Angvick, Armstrong, Burr, Clifford, Danielsen, Delaney, Harris, Himsl, Holt, Jergensen, Kane, Keeley, Kelsey, Murphy, Page, Pauline, Plank, Plumer, Putnam, Ruffcorn, Sparling, Walker, Wass, Willis. Total 24.

Noes: Campbell, Carey, Carroll, Church, Clarke, Coburn, Cooper, Corwin, Donovan, Duncan, Eaton, Ekegren, Garber, Hennessy, Holton, Husband, Kalberg, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Parkin, Reed, Rowland, Simmons, Staggs, Thien, Wheeler. Total 29.

Absent and not voting: Galt, Kaulbach, Melton. Total 3.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Judiciary Committee submitted the following report:

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 79, respectfully report as follows: That House Bill No. 79 be concurred in.

CAMPBELL, Chairman.

Report adopted.

The Committee on Taxation submitted the following report:

Mr. President: We, your Committee on Taxation having had under consideration House Bill No. 60, respectfully report as follows: That House Bill No. 60 be amended as follows:

Amend Sub-section (2) of Section 1 by striking out all of the sub-section (2) and inserting in lieu thereof the following: "The word 'contractor' means and includes any person, firm or corporation accepting or offering to accept orders or contracts for doing any work on or in any building or structure requiring the use of paint, stone, brick, mortar, wood, cement, structural iron or steel, sheet iron, galvanized iron, metallic piping, tin, lead, electric wiring, or other material, or any other building material; or who shall accept or offer to accept contracts to do any grading, paving, curbing or other work on sidewalks, streets, alleys, or highways, public or private property, using asphalt, brick, stone, cement, concrete, wood, or any composition; or who shall accept or offer to accept an order for or contract to excavate earth, rock, or other material for foundations or any other purpose; or who shall accept or offer to accept an order or contract to construct any sewer of stone, brick, terra cotta, or other material."

Amend Section 2 by striking out all that portion of Section 2 after the word "state" in line 27 of the original bill and inserting in lieu thereof the following: "An annual minimum license fee of Five Dollars (\$5.00), provided, however, that this license fee need not be paid by any contractor who does not in anyone year enter into contracts, the total gross receipts for which shall not exceed Five Thousand Dollars (\$5,000); and provided also, that no contractor shall bid on a contract to be let at public bidding unless he has paid the Five Dollars (\$5.00) license fee.

And provided further, that when the gross receipts of contractors in any one year in payment of contracts increases to the amounts hereinafter set forth, the license fee shall be increased as follows: When the gross amounts received on all orders or contracts is more than Five Thousand Dollars and less than Ten Thousand Dollars, the license fee shall be Ten Dollars;

When the gross receipts exceed Ten Thousand Dollars and are not more than Twenty Thousand Dollars, the license fee shall be Fifteen Dollars;

When the gross receipts exceed Twenty Thousand Dollars and do not exceed Fifty Thousand Dollars, the total license fee shall be Twenty Dollars;

When the gross receipts exceed Fifty Thousand Dollars and do not exceed One Hundred Thousand Dollars, the total license fee shall be Fifty Dollars;

When the gross receipts exceed One Hundred Thousand Dollars and do not exceed One Hundred Fifty Thousand Dollars the total license fee shall be One Hundred Dollars;

When the gross receipts exceed One Hundred Fifty Thousand Dollars and do not exceed Three Hundred Thousand Dollars, the total license fee shall be One Hundred Fifty Dollars;

When the gross receipts exceeds Three Hundred Thousand Dollars the total license fee shall be Two Hundred and Fifty Dollars."

Amend Section 3 by striking out the whole of said section and in lieu thereof insert the following: "Each contractor shall render such statements to the State Board of Equalization duly signed and sworn to, of all contracts entered into and all payments made to such contractor, done or contracted for within the State of Montana, and containing such other information, as the State Board of Equalization may require. Reports shall be rendered every three months to the State Board of Equalization and at such other times as the State Board may require. The original Five Dollar (\$5.00) license fee shall be paid on or before January first of each year. The additional license fee shall be payable at such times and as shall be required by the rules of the State Board of Equalization. The year for which a license shall be required shall extend from January first of each year to January first of the next succeeding year."

Amend Section 10 by striking out the whole thereof and in lieu thereof inserting the following: "Section 10. Any and all expenses incurred by the State Board of Equalization in the administration of this Act shall be paid out of the funds accruing from the fees imposed by and collected under the provisions of this Act. All moneys collected under the provisions of this Act, less the expenses incurred in the administration of this Act, shall be deposited by said Board with the State Treasurer who shall credit them to the Emergency Relief Fund, until such time as the Governor may issue a proclamation to the effect that the same is no longer required for such Emergency Relief Fund, and after the issuance of such proclamation said fifty per centum (50%) of such license fees shall be by the State Treasurer credited to the General Fund of the state, Twenty-

five per centum (25%) to the Common School Equalization Fund and Twenty-five per centum (25%) to the Common School Interest and Income Fund."

And move that the same be recommended for concurrence as amended.

RUFFCORN, Chairman.

Report adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 4:03 p. m., until 10:00 a. m., Saturday, January 6, 1934.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

FORTY-FIRST DAY

Helena, Montana, January 6, 1934.

Senate convened at 10:00 A. M.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present except Galt, Kaulbach, Melton, excused.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Fortieth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

INTRODUCTION OF BILLS

With unanimous consent, the following memorial was introduced without previous notice having been given, read first and second times, and referred:

S. J. M. No. 7, introduced by Duncan and Church: "A memorial memorializing the Congress of the United States for a grant of lands for public buildings at the Capital of the state, in addition to grants heretofore made for that purpose." Referred to Committee on Federal Relations.

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

Senator Kemmis rose to a point of order in regard to the handling of House Bill No. 34 yesterday, stating that the bill had not been segregated from the report of the Committee of the Whole of January 4th, and therefore, the bill was not properly before the Senate.

The President overruled the point of order taken by Senator Kemmis, ruling that the point of order should have been taken at the time the reconsideration on House Bill No. 34 was before the Senate.

Moved by Senator Kane, duly seconded and carried, that House Bill No. 34 be withdrawn from the Committee on Labor and Capital.

As an amendment to the report of the Committee of the Whole of January 4th, Senator Kane moved that House Bill No. 34 be segregated from the report; motion to amend duly seconded.

Senator Kemmis rose to a point of order, stating that no motion for reconsideration of the report of the Committee of the Whole had been made and that House Bill No. 34 could not be handled as if segregated from the report of the Committee of the Whole; that this bill is not properly before the Senate, and therefore, reconsideration of action on this bill at this time is out of order.

The President ruled that the point of order should have been taken yesterday.

Moved by Senator Kane that House Bill No. 34 be segregated from the report of the Committee of the Whole of January 4th; motion duly seconded.

Senator Donovan rose to a point of order, stating that the motion by Senator Kane was an improper motion.

The President referred the matter of the point of order to the Rules Committee, and requested that the committee make a report on the questions involved in the point of order.

Senators Larson and Donovan, a majority of the Committee on Rules, having had under consideration the questions involved in the point of order, reported that the Committee of the Whole report of day before yesterday had not been reconsidered, that the motion to segregate the bill from the report was not a proper motion, and that House Bill No. 34 is dead.

Moved by Senator Larson that the foregoing majority report of the Committee on Rules be adopted; motion duly seconded.

Senator Kane, a minority of the Committee on Rules, having had under consideration questions involved in the point of order, reported that this reconsideration was made in proper form and voted on by this body and that we have no report of the Committee of the Whole of January 4th, and that this motion is properly before the body at this time.

As a substitute motion to the motion by Senator Larson, Senator Kane moved that the foregoing minority report of the Committee on Rules be adopted; substitute motion duly seconded.

As a substitute motion to all pending motions, Senator Page moved that all motions and controversial matter regarding House Bill No. 34 be expunged from the record; substitute motion duly seconded.

The President ruled that the substitute motion by Senator Page was out of order.

Action was thereupon had on the substitute motion by Senator Kane that the minority report of the Committee on Rules be adopted; which motion was lost by the following vote:

Ayes: Angvick, Burr, Carroll, Clarke, Clifford, Delaney, Eaton, Garber, Hennessy, Himsl, Holt, Husband, Jergensen, Kane, Keeley, Kelsey, Murphy, Page, Plank, Putnam, Ruffcorn, Simmons, Sparling, Walker, Willis. Total 25.

Noes: Armstrong, Campbell, Carey, Church, Coburn, Cooper, Corwin, Daniels, Donovan, Duncan, Ekegren, Harris, Holton, Kalberg, Kemmis, Kilduff, Lamp, Larson, Parkin, Pauline, Plumer, Reed, Rowland, Staggs, Thien, Wass, Wheeler. Total 27.

Absent and not voting: Galt, Kaulbach, MacGilvra, Melton. Total 4.

Action was thereupon had on the motion by Senator Larson that the majority report of the Committee on Rules be adopted; which motion was carried by a standing vote.

Moved by Senator Kemmis, duly seconded and carried, that the Senate request the Secretary of State to immediately furnish to the Senate a list of public officers appointed by the Governor of Montana since March 2nd, 1933, which appointments are required to be confirmed by the Senate, and which have not yet been submitted to the Senate.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Federal Relations submitted the following report:

Mr. President: We, your Committee on Federal Relations, having had under consideration Senate Joint Memorial No. 7, respectfully report as follows: That Senate Joint Memorial No. 7 do pass.

EKEGREN, Chairman.

Report adopted.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Kelsey in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 51 be concurred in.

That the committee rise.

KELSEY, Chairman.

Moved by Senator Kelsey that the foregoing report of the Committee of the Whole be adopted; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Carey, Carroll, Clarke, Clifford, Corwin, Delaney, Ekegren, Harris, Holton, Jergensen, Kalberg, Kane, Kelsey, Kilduff, Lamp, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Ruffcorn, Sparling, Staggs, Wass, Wheeler. Total 29.

Noes: Burr, Campbell, Church, Coburn, Danielsen, Duncan, Eaton, Garber, Hennessy, Himsl, Holt, Husband, Keeley, Kemmis, Larson, Reed, Rowland, Simmons, Thien, Willis. Total 20.

Passed: Walker.

Paired: Donovan, Galt.

Absent and not voting: Cooper, Kaulbach, MacGilvra, Melton. Total 4.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 1:12 P. M., until 2:30 P. M.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:30 P. M.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Taxation submitted the following report:

Mr. President: We, your Committee on Taxation, having had under consideration House Bill No. 41, respectfully report as follows: That House Bill No. 41 be reported without recommendation.

RUFFCORN, Chairman.

Report adopted.

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Joint Memorial No. 6, beg leave to report that the same has this day been returned from the printer correctly printed.

HENNESSY, Vice-Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

January 6th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following members have been appointed to act as Conference Committees to act with like committees, which are hereby requested from the Senate, on House Bill No. 30: Spangler, Doe and McElwain.

House Bill No. 71: Pierson, Roll and Arnold.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Upon motion of Senator Kane, duly seconded and carried, the President appointed the following as Senate members to confer with a like committee from the House to consider Senate amendments to House Bill No. 30: Senators Thien, Larson, Burr.

Upon motion of Senator Kane, duly seconded and carried, the President appointed the following as Senate members to act with a like committee from the House to consider Senate amendments to House Bill No. 71: Senators Staggs, Plank, Reed.

The President signed in open Session: House Bill No. 77; House Bill No. 38.

January 5th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day made and, upon motion, adopted:

Committee on State Lands—S. B. No. 6, concurred in as amended.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 6th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, the Conference Committee upon Senate amendments to House Bill No. 31 was discharged, and the Senate amendments were thereupon concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 6th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the report of the Conference Committee on House Bill No. 5 was adopted.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 5th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration Business on General Orders, do report that we recommend:

S. A. H. B. No. 71, be not concurred in and conference requested.

S. A. H. B. No. 40, be concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 6th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration Business on General Orders, do report that we recommend:

S. A. H. B. No. 30, Conference Committee requested.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 6th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Speaker this day signed the following bills: House Bill No. 38 and House Bill No. 77.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 5th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Senate amendments to the following bill was this day read third time, title and history agreed to and concurred in:

S. A. H. B. No. 40.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

MOTIONS AND RESOLUTIONS

Moved by Senator Kane that in Committee of the Whole this day, that no member shall be allowed to speak more than five minutes on any question, that there shall be no yielding of time and that no member shall be allowed to speak more than once on any question, except in reply to questions, which may be asked, after he completes his remarks on the question; motion duly seconded.

As an amendment to the motion by Senator Kane, Senator Ruffcorn moved that no member be allowed to speak more than ten minutes on any question and that no member be allowed to speak more than twice on any question except the principal proponent of the bill; motion to amend duly seconded and carried.

The motion by Senator Kane, as amended, was thereupon carried.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Kelsey in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 57 be amended in Section 1 by inserting in line 3 of the printed bill after the word "from," the following: "Business within this state including."

That H. B. No. 57 be amended in Section 2 by inserting in line 6 of the printed bill after the word "from," the following: "Business within this state including," and, as so amended, recommend that H. B. No. 57 be concurred in.

That H. B. No. 60 be amended by striking out in lines one and two of Section 2 of the printed bill the words "a license tax," and by striking out that portion of the committee amendment to said section, reading as follows: "An annual minimum license fee of \$5.00, provided, however, that this license fee need not be paid by any contractor who does not in any one year enter into contracts, the total gross receipts for which shall exceed \$5000.00; and provided also, that no contractor shall bid on a contract to be let at public bidding unless he has paid the license fee," and inserting in lieu thereof the words "An annual minimum license fee of One Dollar (\$1.00) plus an additional amount based upon gross receipts as follows:" and further amend Section 2 by adding at the end of said section the following: "No bid on any contract to be let at public bidding shall be considered unless the number of the receipts issued to the bidder for payment of the minimum annual license fee appears upon such bid."

That H. B. No. 60 be amended in the committee amendment to Section 3 by striking out the words and figures "Five Dollars (\$5.00)" and inserting in lieu thereof the words and figures "One Dollar (\$1.00)," and by striking out the words "January first of each year" and inserting in lieu thereof the following: "March 1, 1934, for the year 1934, and on or January first of each year thereafter."

That H. B. No. 60 be amended in the committee amendment to Section 10 by inserting after the word fund in line three of said amendment the words "less the expenses incurred in the administration of this Act," and, as so amended, recommend that H. B. No. 60 be concurred in.

That H. B. No. 79 be concurred in.

That S. J. M. No. 6 do pass.

KELSEY, Chairman.

Upon motion of Senator Kelsey, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Upon motion of Senator Kane, duly seconded and carried, Third Reading of bills was passed.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 3:22 p. m., until 3:50 p. m.

Pursuant to recess, the Senate reconvened at 3:50 p. m.

President presiding.

With unanimous consent, the Senate reverted to:

MOTIONS AND RESOLUTIONS

Moved by Senator Keeley that House Bill No. 51 be taken from Third Reading of bills for today and placed on Third Reading of bills for Monday; motion duly seconded and lost.

Moved by Senator Kane, duly seconded and carried, that Senate Joint Memorial No. 6 be considered correctly engrossed and placed on Third Reading of bills.

Moved by Senator Kane, duly seconded and carried, that all bills considered on Third Reading this day be read by title only, and be considered read at length.

THIRD READING OF BILLS

H. B. No. 51 having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Carroll, Clarke, Clifford, Corwin, Delaney, Eaton, Ekegren, Harris, Holton, Jergensen, Kalberg, Kane, Kelsey, Kemmis, Kilduff, Lamp, Murphy, Page, Parkin, Plank, Plumer, Putnam, Ruffcorn, Sparling, Staggs, Wass, Wheeler. Total 29.

Noes: Burr, Campbell, Carey, Church, Coburn, Cooper, Danielsen, Duncan, Garber, Hennessy, Himsl, Holt, Husband, Keeley, Larson, MacGilvra, Pauline, Reed, Rowland, Simmons, Thien, Willis. Total 22.

Paired: Donovan, Galt.

Passed: Walker.

Absent and not voting: Kaulbach, Walker.

H. B. No. 79, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 52.

Noes: Armstrong.

Absent and not voting: Galt, Kaulbach, Melton. Total 3.

H. B. No. 57, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Carey, Carroll, Clarke, Clifford, Cooper, Corwin, Danielsen, Delaney, Eaton, Ekegren, Harris, Hennessy, Holton, Husband, Jergensen, Kalberg, Kane, Kelsey, Kemmis, Kilduff, Lamp, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Walker, Wass, Wheeler, Willis. Total 40.

Noes: Campbell, Church, Coburn, Duncan, Garber, Himsl, Holt, Keeley, Larson, MacGilvra, Reed, Thien. Total 12.

Paired: Donovan, Galt.

Absent and not voting: Kaulbach, Melton.

H. B. No. 60, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Carey, Carroll, Church, Clarke, Clifford, Cooper, Corwin, Danielsens, Delaney, Donovan, Duncan, Eaton, Ekegren, Garber, Harris, Hennessy, Himsl, Holton, Husband, Jergensen, Kalberg, Kane, Kelsey, Kilduff, Lamp, Larson, MacGilvra, Murphy, Page, Parkin, Plank, Plumer, Putnam, Ruffcorn, Simmons, Sparling, Staggs, Walker, Wass, Wheeler. Total 43.

Noes: Campbell, Coburn, Holt, Keeley, Kemmis, Pauline, Reed, Rowland, Thien, Willis. Total 10.

Absent and not voting: Galt, Kaulbach, Melton. Total 3.

S. J. M. No. 6, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsens, Delaney, Donovan, Duncan, Eaton, Ekegren, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Walker, Wass, Wheeler, Willis. Total 51.

Noes: None.

Absent and not voting: Galt, Garber, Kaulbach, Melton, Thien. Total 5.

With unanimous consent, the Senate reverted to:

MOTIONS AND RESOLUTIONS

Moved by Senator Keeley, duly seconded and carried, that consideration of House Bill No. 41 be indefinitely postponed.

With unanimous consent, the Senate reverted to:

PETITIONS AND COMMUNICATIONS

The following communication was received and read:

January 6, 1934.

Hon. C. J. McAllister,
Secretary Montana Senate,
Helena, Montana.

Dear Sir:

In accordance with motion of the Senate adopted January 6, 1934, I am pleased to advise you that the following list contains the names of those public officers appointed by the Governor of Montana since March 2, 1933, which appointments are required to be confirmed by the Senate and which said appointments have not yet been submitted to the Senate for confirmation.

Principal, Bert Orr; appointed, March 3, 1933; title, member State Livestock Commission; term, to March 1, 1939.

Principal, C. J. McNamara; appointed, March 3, 1933; title, member State Livestock Commission; term, to March 1, 1939.

Principal, A. H. Stafford; appointed, March 13, 1933; title, Commissioner of Agriculture; term, to April 1, 1937.

Principal, Mrs. L. R. Packard; appointed, April 19, 1933; title, State Board of Charities and Reform; term, to June 23, 1937.

Very truly yours,

SAM W. MITCHELL,
Secretary of State.

CLW:OC

Moved by Senator Kemmis that the appointments made by the Governor be made a special order of business for Monday, January 8th, at 2:00 P. M.; motion duly seconded.

As a substitute motion to the motion by Senator Kemmis, Senator Church moved that the Senate proceed to vote on the confirmation of appointments made by the Governor; substitute motion duly seconded.

As a substitute motion to all pending motions, Senator Campbell moved that consideration of the report from the Secretary of State on the Governor's appointments be postponed until Monday at 2:00 P. M.; substitute motion duly seconded and carried.

REPORTS OF STANDING COMMITTEES

The Committee on Enrolled Bills submitted the following report:

Mr. President: We, your Committee on Enrolled Bills, to whom was referred Senate Bills Nos. 21, 14 and 11, beg leave to report same back correctly enrolled and duly verified.

CLARKE, Chairman.

Report adopted.

The Committee on Education submitted the following reports:

Mr. President: We, your Committee on Education, having had under consideration House Bill No. 78, respectfully report as follows: That House Bill No. 78 be amended as follows:

Amend the title of the original bill in line 6 by striking out the period and quote after the figures "1934" and adding thereafter the following, "and providing for method of payment of such warrants."

Amend Section 1, page 2, line 5, by striking out the period after the word "district" and adding the following, "provided further that outstanding district high school warrants, issued by any district, within its budget limitations, shall be an indebtedness of the county, to be paid out of the moneys of the county derived from the high school tax levied by the County Commissioners and shall be paid in the following manner: Not less than thirty-five (35%) per cent of the amount of such outstanding warrants with the interest thereon shall be included in the district high school budget for the school year beginning July 1st, 1934; not less than one-half (½) of the amount of the remaining outstanding warrants with interest shall be included in the district high school budget for the year beginning July 1st, 1935, and the remaining outstanding warrants with interest shall be included in the district high school budget for the year beginning July 1st, 1936."

Amend Section 2, page 2, line 6, by striking out all of Section 2 and inserting in lieu thereof the following, "Section 2. An emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage and approval," and, that the bill as so amended be concurred in.

Report adopted.

EATON, Chairman.

Mr. President: We, your Committee on Education, having had under consideration Substitute House Bill No. 67, respectfully report as follows: That Sub. House Bill No. 67 be amended as follows (printed bill):

Amend the title in line 7 by inserting after the word "repair" and before the word "and," the words, "improvement, equipment."

Strike out all of Section 1 on page 1.

Strike out all of Section 2, on page 1, and insert in lieu thereof the following: "Section 2. In counties having a county high school the Board of Trustees of the county high school and the Board of Trustees of any school districts maintaining high schools, are hereby designated as the Boards of Trustees of the respective high school districts established under this Act.

To effectuate the purpose of this Act, the Board of Trustees of any high school district, as herein provided for, is hereby authorized to undertake a program of public works in the construction, improvement, repair of buildings and equipment for the same for the use of any or all high schools in such high school district. Such proceedings may be commenced by resolution upon the part of such Board of Trustees of such high school district of its own motion and without any petition being filed therefor."

By striking out in Section 3, page 2, line 5, after the word "the" and before the word "by" the words "action taken" and insert in lieu thereof the words "boundaries established."

Amend Section 4 by inserting in line 1 after the word "districts" and before the word "are" the words "established under this Act."

Strike out all of Section 6.

Amend Section 7, line 5, by striking out after the word "for" and before the word "and" the words "the construction or improvement purposes only," and insert in lieu thereof the following "construction, repair, improvement and equipment purposes only," and that Section 2, as amended, be renumbered to read "Section 1," and that all subsequent sections be renumbered in proper numerical order. That same, as amended, be concurred in.

EATON, Chairman.

Report adopted.

The President signed in open Session: Senate Bill No. 11; Senate Bill No. 21; Senate Bill No. 14.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 5:03 P. M., until 10:00 A. M., Monday, January 8, 1934.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

FORTY-THIRD DAY

Helena, Montana, January 8, 1934.

Senate convened at 10:00 A. M.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Forty-first Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on State Boards and Offices submitted the following report:

Mr. President: We, your Committee on State Boards and Offices, having had under consideration House Bill No. 42, respectfully report as follows: That House Bill No. 42 be reported out of the aforesaid committee without recommendation.

CORWIN, Chairman.

Report adopted.

Moved by Senator Jergensen, duly seconded and carried, that House Bill No. 42 be placed on General File.

The Committee on Federal Relations submitted the following report:

Mr. President: We, your Committee on Federal Relations, having had under consideration House Bill No. 65, respectfully report as follows: That House Bill No. 65 be not concurred in.

EKEGREN, Chairman.

Report adopted.

The Committee on Irrigation and Water Rights submitted the following report:

Mr. President: We, your Committee on Irrigation and Water Rights, having had under consideration House Bill No. 44, respectfully report as follows: That House Bill No. 44 be amended as follows:

By striking out from the engrossed bill all the words in line 12 and 13 beginning with the word "and" and ending with the word "state" in line 13;

By striking all of lines 14, 15, 16 of the engrossed bill and amend by adding after the word "of" in line 13 of the engrossed bill the following words "the conservation of water and maintenance of stream flow within the State of Montana, and such State Planning Board shall act and function without any expense to the State of Montana". And, as amended, be concurred in.

JERGENSEN, Chairman.

Report adopted.

MOTIONS AND RESOLUTIONS

Moved by Senator Melton that the Senate, with the consent of the House, now adjourn sine die, motion duly seconded and lost.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Murphy in the Chair.
 Committee arose.
 Senate resumed.
 President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That consideration of Sub. for H. B. No. 67 be passed.
 That H. B. No. 78 be concurred in.
 That the committee rise.

MURPHY, Chairman.

Upon motion of Senator Murphy, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

With unanimous consent, the Senate reverted to:

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

January 8, 1934.

"The President of the Senate,
 Senate Chamber,
 Helena.

Returned herewith is Senate Bill No. 22, entitled:

"An Act regulating the salary of vendors and also every officer, inspector, clerk or other employee to be employed by the Montana Liquor Control Board in the State of Montana."

Without my approval and with my objection thereto.

Section 11 of Article VII of our State Constitution prescribed that the Governor,

" . . . may on extraordinary occasion convene the Legislative Assembly by proclamation, stating the purposes for which it is convened, but when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation, or which may be recommended by the Governor."

The measure under consideration in this instance can by no stretch of the imagination be construed as having been embraced within the terms of the call for this Extraordinary Session or in any recommendation submitted subsequent to the opening of the session. I am therefore impelled to withhold my approval of Senate Bill No. 22.

F. H. COONEY, Governor.

Moved by Senator Larson that Senate Bill No. 22 become a law notwithstanding the veto of the Governor; motion duly seconded, and failing to receive the necessary two-thirds vote of the members present as required by law, was rejected by the following vote:

Ayes: Angvick, Armstrong, Campbell, Carey, Carroll, Clarke, Coburn, Cooper, Corwin, Duncan, Eaton, Ekegren, Garber, Harris, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kemmis, Lamp, Larson, MacGilvra, Melton, Parkin, Pauline, Reed, Rowland, Simmons, Staggs, Thien, Wheeler.
 Total 33.

Noes: Burr, Church, Clifford, Danielsen, Delaney, Donovan, Hennessy, Himsl, Holt, Kelsey, Kilduff, Murphy, Page, Plank, Plumer, Putnam, Ruffcorn, Sparling, Walker, Wass, Willis. Total 21.

Absent and not voting: Galt, Keeley.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Murphy in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That consideration of H. B. No. 42 be passed.

MURPHY, Chairman.

Upon motion of Senator Murphy, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

With unanimous consent, the Senate reverted to:

MOTIONS AND RESOLUTIONS

Moved by Senator Larson, duly seconded and carried, that the House be requested to return House Bill No. 31 to the Senate.

With unanimous consent, the Senate reverted to:

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

January 8, 1934.

The President of the Senate,
Senate Chamber,
Helena, Montana.

I have the honor to transmit the appended list of appointments made during the recess of the Senate by my predecessor, the Honorable J. E. Erickson, and requiring confirmation by your Honorable Body:

To be members of the State Livestock Commission—Bert Orr of Beaverhead county; C. J. McNamara of Chouteau county.

And the following appointment made by me, but through a clerical error omitted from the list submitted to you on December 29:

To be member of the State Board of Charities and Reform—Mrs. L. R. Packard of Jefferson County.

And I hereby nominate and by and with the consent of the Senate do appoint the following named persons to the offices and for the terms in each instance designated:

To be Commissioner of Agriculture—J. T. Kelly of Carbon County, for the term ending April 1, 1937.

To be members of the State Livestock Commission—Bert Orr of Beaverhead County, and C. J. McNamara of Chouteau County; each for the term ending March 1, 1939.

To be a member of the State Board of Charities and Reforms—Mrs. L. R. Packard of Jefferson County, for the term ending March 2, 1939.

F. H. COONEY,
Governor.

Moved by Senator Kane, duly seconded and carried, that the nominations of the Governor be made a special order of business for Tuesday, January 9th, at 11:00 A. M.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 1:05 P. M., until 2:00 P. M.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:00 P. M.
President presiding.

SPECIAL ORDER OF BUSINESS

At 2:00 P. M., the Secretary again read the communication from the Secretary of State, received January 6th, containing appointments made by the Governor since March 2, 1933, which appointments were required to be confirmed by the Senate and which said appointments have not yet been submitted to the Senate for confirmation, which communication was by motion made a special order of business for this time.

Moved by Senator Campbell, duly seconded and carried, that the report of the Secretary of State on appointments made by the Governor be made a special order of business for 11:05 o'clock tomorrow morning.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Joint Memorial No. 7, beg leave to report that the same has this date been returned from the printer correctly printed:

HENNESSY, Vice-Chairman.

Report adopted.

The Committee on Taxation submitted the following reports:

Mr. President: We, your Committee on Taxation, having had under consideration House Bill No. 12, respectfully report as follows: That House Bill No. 12 be amended as follows:

In Section 3, line 2, of the original bill after the "colon" by striking out the words and figures, "Forty per cent (40%)" and inserting in lieu thereof the words and figures, "Eighty per cent (80%)."

In Section 3, line 3, strike out the words and figures and the comma, "Forty per cent (40%) thereof to the Unemployment Relief Fund," of the original bill.

In Section 5, line 9, of the original bill after the word "energy" and before the "period" insert the following: "for the preceding calendar month," and, as so amended, recommend the same for concurrence.

RUFFCORN, Chairman.

Report adopted.

Mr. President: We, your Committee on Taxation, having had under consideration House Bill No. 28, respectfully report as follows: That House Bill No. 28, be amended as follows:

Amend the title in Line 1 of the original bill by adding after the figure "2" the following: "and Section 9."

Amend House Bill No. 28 by adding a new section to read as follows:

"Section 2. That Section 9 of Chapter 180 of the Twenty-third Legislative Assembly of 1933, be and the same is hereby amended to read as follows: 'Section 9. All license taxes collected under the provisions of this Act shall be distributed as follows: Fifty per cent (50%) to the Emergency Relief Fund and Fifty per cent (50%) to the General Fund of the state until such time as the Governor may issue a proclamation to the effect that the same is no longer required for such Emergency Relief Fund, and after the issuance of such proclamation said fifty per cent (50%) of such license fees shall be by the State Treasurer credited to the General Fund of the state, twenty-five per cent (25%) to the Common School Equalization Fund and Twenty-five per cent (25%) to the Common School Interest and Income Fund.'

Renumber Section 2 to read as Section 3.

And, as so amended, recommend this bill for concurrence.

RUFFCORN, Chairman.

Report adopted.

The Judiciary Committee submitted the following reports:

Mr. President: We, your Committee on Judiciary, having had under consideration Substitute House Bill No. 14, respectfully report as follows: That Sub. House Bill No. 14 be not concurred in.

CAMPBELL, Chairman.

Report adopted.

Mr. President: We, your Committee on Judiciary, having had under consideration Sub. House Bill No. 66, respectfully report as follows: That Sub. House Bill No. 66 be not concurred in.

CAMPBELL, Chairman.

Moved by Senator Campbell that the foregoing report of the Judiciary Committee be adopted; motion duly seconded.

As a substitute motion to the motion by Senator Campbell, Senator Sparling moved that House Bill No. 66 be placed on General File; Substitute motion duly seconded and lost.

Action was thereupon had on the original motion by Senator Campbell that the report of the Judiciary Committee on House Bill No. 66 be adopted; which motion was carried by the following vote:

Ayes: Burr, Campbell, Carey, Church, Coburn, Cooper, Corwin, Danielson, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Himsl, Holt, Husband, Jergensen, Kalberg, Kaulbach, Keeley, Larson, Melton, Murphy, Parkin, Pauline, Reed, Rowland, Simmons, Staggs, Thien, Walker, Wheeler, Willis. Total 36.

Noes: Angvick, Armstrong, Carroll, Clarke, Clifford, Hennessy, Holton, Kane, Kelsey, Kilduff, Lamp, Page, Plank, Plumer, Putnam, Ruffcorn, Sparling, Wass. Total 18.

Paired: Kemmis, MacGilvra.

REPORTS OF SELECT COMMITTEES

The following joint conference committee report was submitted:

Mr. President and Mr. Speaker: We, your Conference Committee, having had under consideration Senate Amendments to House Substitute for House Bill No. 5, respectfully report as follows:

That the Senate Amendment to line 3, Section 5, of the printed bill, be amended by striking out the quotation marks and period after the word "court" at the end of such amendment, and by inserting the words, "and paid prior to," and by striking out in line 4, Section 3 of the bill the word "on," and that all of such Senate Amendment as thus amended be adopted.

That the House concede all of the Senate Amendment to Section 4 of the bill.

Respectfully submitted,

CAMPBELL,
CARROLL,
DUNCAN.

Senate Conferees.

BESANCON,
ROGNLIEN,
LOTT,

House Conferees.

Moved by Senator Campbell that the foregoing report of the Joint Conference Committee be adopted; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: None.

Absent and not voting: Danielsen, Kemmis.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

January 8, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, the request of the Senate for the return of House Bill No. 31 was not acceded to.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 8, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

S. B. No. 6, be concurred in as amended.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that the House be requested to return House Bill No. 65 to the Senate.

Moved by Senator Himsl, duly seconded and carried, that the Senate reconsider the vote on the motion of this morning that Senate Bill No. 22 become a law notwithstanding the veto of the Governor.

Moved by Senator Larson that Senate Bill No. 22 become a law notwithstanding the veto of the Governor; motion duly seconded, and receiving the necessary two-thirds vote of the members present as required by law, was carried by the following vote:

Ayes: Angvick, Armstrong, Campbell, Carey, Carroll, Church, Clarke, Coburn, Cooper, Corwin, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Himsl, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kemmis, Lamp, Larson, MacGilvra, Melton, Parkin, Pauline, Reed, Rowland, Simmons, Staggs, Thien, Wheeler, Willis. Total 38.

Noes: Burr, Clifford, Danielsen, Delaney, Donovan, Hennessy, Holt, Kelsey, Kilduff, Murphy, Page, Plank, Plumer, Putnam, Ruffcorn, Sparling, Walker, Wass. Total 18.

Absent and not voting: None.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

January 8, 1934.

The President of the Senate,
Senate Chamber,
Helena.

I have the honor to advise you that I have this day approved the following measures:

S. B. No. 11—Relating to expenses of officers and employees of the State of Montana.

S. B. No. 14—Relating to the sale of unredeemed property by County Commissioners.

S. B. No. 21—Permitting school districts which are indebted to the limit as provided by the Constitution of the State of Montana to operate on a cash basis.

F. H. COONEY,
Governor.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 2:51 P. M., until 3:30 P. M.

Pursuant to recess, the Senate reconvened at 3:30 P. M.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Finance and Claims submitted the following report:

Mr. President: We, your Committee on Finance and Claims, having had under consideration House Bill No. 62, respectfully report as follows: That House Bill No. 62 be concurred in.

STAGGS, Vice-Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

January 8th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, the request of the Senate for the return of House Bill No. 65 was granted, and the bill is herewith returned to the Senate.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that the Senate reconsider its action in adopting the adverse report of the Committee on Federal Relations on House Bill No. 65.

Moved by Senator Kane, duly seconded and carried, that House Bill No. 65 be referred to the Judiciary Committee.

Moved by Senator Sparling, duly seconded and carried, that House Bill No. 12 be taken from the top of the list of bills on General File, and placed at the bottom of the list of bills on General File.

Moved by Senator Sparling, duly seconded and carried, that House Bill No. 28 be taken from the top of the list of bills on General File, and placed at the bottom of the list of bills on General File.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Angvick in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That consideration of Substitute for H. B. No. 67 be passed.

That H. B. No. 44 be concurred in.

That S. J. M. No. 7 do pass.

That H. B. No. 12 be amended in Section 1 by striking out in lines 13 and 14 of engrossed House Bill No. 12, the words; and figures: "One per cent (1%)" and inserting in lieu thereof the words; and figures; "One-half of One per cent ($\frac{1}{2}$ of 1%)".

And, as so amended, recommend that said H. B. No. 12 be concurred in.

That consideration of H. B. No. 28 be passed.

That the Committee arise.

ANGVICK, Chairman.

Moved by Senator Angvick that the foregoing report of the Committee of the Whole be adopted; motion duly seconded.

As an amendment to the report of the Committee of the Whole, Senator Kane moved that House Bill No. 12 be segregated from the report; motion to amend duly seconded and lost by the following vote:

Ayes: Angvick, Armstrong, Burr, Carroll, Clarke, Clifford, Donovan, Eaton, Hennessy, Holton, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Plank, Plumer, Putnam, Ruffcorn, Sparling, Wass. Total 24.

Noes: Campbell, Carey, Church, Coburn, Cooper, Corwin, Danielsen, Delaney, Duncan, Ekegren, Galt, Garber, Harris, Himsl, Holt, Husband, Keeley, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Reed, Rowland, Simmons, Staggs, Thien, Walker, Wheeler. Total 31.

Absent and not voting: Willis.

The report of the Committee of the Whole was thereupon adopted.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Taxation submitted the following reports:

Mr. President: We, your Committee on Taxation, having had under consideration House Bill No. 46, respectfully report as follows: That House Bill No. 46 be amended as follows:

Amend Section 2, line 24 of the original bill after the word "Fund" by adding the following:

"After March 31, 1935, the State Treasurer shall deposit fifty (50) per centum of the taxes paid under this Act to the General Fund, and twenty-five (25) per centum to the Common School Interest and Income Fund, and twenty-five (25) per centum thereof to the Common School Equalization Fund."

And, as so amended, recommend the bill for concurrence.

RUFFCORN, Chairman.

Report adopted.

Mr. President: We, your Committee on Taxation, having had under consideration House Bill No. 48, respectfully report as follows: That House Bill No. 48 be amended as follows:

Amend Section 2, line 1 of the original bill after the word "population" by adding the following:

"After March 31, 1935, the State Treasurer shall deposit seventy-five (75) per centum to the General Fund, and twenty-five (25) per centum thereof to the Common School Equalization Fund."

And, as so amended, recommend the bill for concurrence.

RUFFCORN, Chairman.

Report adopted.

Moved by Senator Kane, duly seconded and carried, that Senate Joint Memorial No. 7 be considered correctly engrossed and placed on Third Reading.

Upon motion of Senator Kane, duly seconded and carried, Third Reading of bills was passed for the day.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 5:52 p. m., until 10:00 a. m., Tuesday, January 9, 1934.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

FORTY-FOURTH DAY

Helena, Montana. January 9, 1934.

Senate convened at 10:00 a. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present, except: MacGilyvra, excused.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Forty-third Legislative day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF SELECT COMMITTEES

The following Joint Conference Committee report was submitted:

Mr. President: We, your Conference Committee, appointed to consider Senate Amendments to House Bill No. 1, beg leave to report as follows: We agree to all Senate amendments save and except Senate amendments as follows:

“Amend by striking out all words and figures in lines 16, 17 and 18 on the first page, printed bill and inserting in lieu thereof the following: “Motor Vehicles weighing 2750 pounds or under, other than motor trucks, \$5.00; motor vehicles weighing over 2750 pounds and under 3300 pounds, other than motor trucks, \$7.50; motor vehicles weighing over 3300 pounds other than motor trucks, \$10.00,” from which the Senate recedes and agrees that the said amendment be stricken, and that lines 16, 17 and 18 of Section 1 of said printed House Bill No. 1 be stricken, and that in lieu thereof, the following be inserted; “Motor vehicles, weighing 2850 pounds or under, other than motor trucks, \$5.00; motor vehicles weighing over 2850 pounds, other than motor trucks, \$10.00.”

We further agree to strike out all of the Senate Amendment which is as follows: “Amend by striking out in Section 1 all of Section (C), beginning with line 60, page 2, and ending with line 67, page 3, and inserting in lieu thereof the following:

“C. The net fees derived from the registration of motor vehicles in any county not having a city of the population of 35,000 or more, which, at the end of each month, be transferred to the road fund of said county and shall be used by said county for the construction, repair and maintenance of all public highways within the boundaries of said county, except state highways, and such fees in any county having a city of a population of 35,000 or more, less so much thereof as may be apportioned to such city and held in the city road fund as aforesaid, shall, at the end of each month, be transferred, to the road fund of each county and used by said county for the construction, repair and maintenance of all public highways within the boundaries of said county. In all counties, said funds may be used for the construction, repair and maintenance of city streets forming component parts of arterial highways within the corporate limits of said city,” from which the Senate recedes, and agree that said amendment be stricken, and that in lieu thereof, amend Sub-section (C) of House Bill No. 1 between the lines of 28 and 29 of the original

bill after the word "highways" insert the words "except state and federal highways" and as so amended we recommend that this conference committee report be adopted.

COBURN,
CHURCH,
COOPER,

For the Senate.

BESANCON,
UELAND,
HAIGHT.

For the House.

Moved by Senator Coburn that the foregoing Joint Conference Committee report be adopted; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Daniels, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kemmis, Kilduff, Lamp, Larson, Melton, Murphy, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 53.

Noes: None.

Absent and not voting: Kelsey, MacGilvra, Page. Total 3.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

January 8, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day made and, upon motion, adopted:

Committee on Enrolling: H. B. No. 79; H. B. No. 39 and H. B. No. 31, reported considered correctly enrolled.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 8, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Speaker this day signed the following Bills: H. B. No. 79; H. B. No. 39, and H. B. No. 31.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 8, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that Conference Committee Report on House Bill No. 1, was, upon roll call, adopted.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Putnam in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That Substitute for H. B. No. 67 be concurred in.

That H. B. No. 62 be concurred in.

That H. B. No. 46 be concurred in.

That the Committee rise.

PUTNAM, Chairman.

Upon motion by Senator Putnam, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

SPECIAL ORDER OF BUSINESS

The secretary again read the communication from the Governor, received January 8th, containing appointments made by the Governor, which communication was by motion made a special order of business for the morning.

Moved by Senator Kane, that the nominations of the Governor be confirmed; motion duly seconded.

Moved by Senator Larson, duly seconded and carried, that the names of the nominees be segregated from the communication and voted on one at a time.

Moved by Senator Plank, duly seconded and carried, that the nomination of J. T. Kelly be referred to the Committee on State Boards and Offices for consideration.

Moved by Senator Kane that the nomination of Mr. Bert Orr be approved; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, Melton, Murphy, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: None.

Absent and not voting: MacGilvra, Page.

Moved by Senator Kane that the nomination of Mr. C. J. McNamara be approved; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsens, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, Melton, Murphy, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: None.

Absent and not voting: MacGilvra, Page.

Moved by Senator Kemmis that the appointment of Mrs. L. R. Packard as of April 19, 1933, to the State Boards of Charities and Reform for the term ending March 2, 1939, be now confirmed; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsens, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, Melton, Murphy, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: None.

Absent and not voting: MacGilvra, Page.

The secretary again read the communication from the Secretary of State, received January 6th, containing appointments made by the Governor since March 2, 1933, which appointments are required to be confirmed by the Senate and which said appointments have not yet been submitted to the Senate for confirmation, which communication was by motion made a special order of business for this morning.

Moved by Senator Church that the Senate now proceed to vote on the nomination of A. H. Stafford; motion duly seconded.

As a substitute motion to the motion by Senator Church, Senator Donovan moved that further consideration of this communication from the Secretary of State be indefinitely postponed; substitute motion duly seconded.

As a substitute motion to all pending motions, Senator Armstrong moved that the President appoint a committee of two members to confer with the Attorney General's office and get a written opinion on this matter and present it to the Senate sometime this afternoon; substitute motion duly seconded and lost.

Action was thereupon had on the substitute motion by Senator Donovan that further consideration of this communication from the Secretary of State be indefinitely postponed; which substitute motion was lost by the following vote:

Ayes: Angvick, Burr, Carroll, Clifford, Danielsens, Delaney, Donovan, Eaton, Hennessy, Holton, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kilduff, Lamp, Murphy, Plank, Plumer, Putnam, Ruffcorn, Simmons, Sparling, Walker, Wass. Total 26.

Noes: Campbell, Carey, Church, Clarke, Coburn, Cooper, Duncan, Ekegren, Galt, Garber, Harris, Himsl, Holt, Husband, Keeley, Kemmis, Larson, Melton, Parkin, Pauline, Reed, Rowland, Staggs, Thien, Wheeler, Willis. Total 26.

Absent and not voting: MacGilvra, Page.

Passed: Armstrong, Corwin.

Upon request of five members of the Senate, a call of the Senate was ordered.

The secretary called the roll of the Senate and reported: Senator Page, absent. Senator MacGilvra, excused on account of illness.

Moved by Senator Kane, duly seconded and carried, that further search of absentee members be dispensed with.

Moved by Senator Larson that the call of the Senate be dispensed with; motion duly seconded and carried by the necessary two-thirds vote.

Moved by Senator Church, as an amendment to his original motion, that the nomination of A. H. Stafford be confirmed; motion to amend duly seconded.

Senator Burr rose to a point of order stating that it was not in order to amend a motion, and therefore, the motion to amend by Senator Church was out of order. The President overruled the point of order taken by Senator Burr.

Action was thereupon had upon Senator Church's motion, as amended; which motion was carried by the following vote:

Ayes: Campbell, Carey, Church, Clarke, Coburn, Cooper, Duncan, Ekegren, Galt, Garber, Harris, Himsl, Holt, Husband, Keeley, Kemmis, Lamp, Larson, Melton, Parkin, Pauline, Reed, Rowland, Staggs, Thien, Wheeler, Willis. Total 27.

Noes: Angvick, Armstrong, Burr, Carroll, Clifford, Danielsen, Delaney, Donovan, Eaton, Hennessy, Holton, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kilduff, Murphy, Plank, Plumer, Putnam, Ruffcorn, Simmons, Sparling, Walker, Wass. Total 26.

Absent and not voting: MacGilvra, Page.

Passed: Corwin.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 1:08 p. m., until 2:30 p. m.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:30 p. m.

President presiding.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 2:32 p. m., for five minutes.

Pursuant to recess, the Senate reconvened at 2:37 p. m.

President presiding.

Moved by Senator Kane, duly seconded and carried, that a committee of three members of the Yellowstone County Unemployed Delegation be granted the privilege of addressing the Senate for not more than thirty minutes in the aggregate.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 2:38 p. m., for thirty minutes.

Pursuant to recess, the Senate reconvened at 3:08 p. m.

President presiding.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

January 8th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, the minority report of the Rules Committee was adopted and, thereupon, the motion to reconsider the

action of the House upon Senate Amendments to House Bill No. 40 was adopted and, upon motion, House Bill No. 40 was returned to General Orders.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

January 9th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that S. B. No. 6 is returned to the Senate for concurrence in House Amendments.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

Moved by Senator Ruffcorn that the Senate concur in House Amendments to Senate Bill No. 6; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Corwin, Danielsen, Delaney, Duncan, Ekegren, Galt, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, Melton, Murphy, Page, Parkin, Pauline, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis.
 Total 50.

Noes: None.

Absent and not voting: Cooper, Donovan, Eaton, Garber, MacGilvra, Plank. Total 6.

The President signed in open session: House Bill No. 79, House Bill No. 31, House Bill No. 39.

January 9th, 1934.

Mr. President: I am directed by the House to inform your Honorable Body that upon motion that Senate Bill No. 22 be concurred in notwithstanding the Governor's veto, motion failed to pass and the bill is herewith returned to the Senate.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

January 9th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

- S. A. H. B. No. 60, be not concurred and conference requested.
- S. A. H. B. No. 57, be concurred in.
- S. A. H. B. No. 51, be not concurred and conference requested.
- S. A. H. B. No. 40, be not concurred in.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

Moved by Senator Kane, duly seconded and carried, that the President appoint a committee of three members to confer with a like committee from the House to consider Senate amendments to House Bill No. 60.

Moved by Senator Kane, duly seconded and carried, that the President appoint a committee of three members to confer with a like committee from the House to consider Senate amendments to House No. 51.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of business on General File.

Senator Putnam in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration, business on General File, respectfully report and recommend as follows:

That H. B. No. 48 be not concurred in.

That the committee rise.

PUTNAM, Chairman.

Moved by Senator Putnam that the foregoing report of the Committee of the Whole be adopted; motion duly seconded.

As a substitute motion to the motion by Senator Putnam, Senator Kane, moved that House Bill No. 48 be placed on Third Reading of Bills; substitute motion duly seconded and lost by the following vote:

Ayes: Armstrong, Carey, Carroll, Clifford, Donovan, Holton, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Plank, Plumer, Putnam, Ruffcorn, Sparling, Staggs, Wass. Total 21.

Noes: Burr, Campbell, Church, Clarke, Coburn, Cooper, Corwin, Danielsen, Delaney, Duncan, Eaton, Ekegren, Galt, Garber, Hennessy, Himsl, Holt, Husband, Keeley, Larson, Melton, Murphy, Page, Parkin, Pauline, Reed, Rowland, Simmons, Thien, Walker, Wheeler, Willis. Total 32.

Paired: Angvick, MacGilyvra.

Absent and not voting: Harris.

The report of the Committee of the Whole was thereupon adopted.

The President appointed the following as Senate members of the committee to confer with a like committee from the House to consider Senate amendments to House Bill No. 60; Senators Simmons, Sparling, Keeley.

The President appointed the following as Senate members of the committee to confer with a like committee from the House to consider Senate amendments to House Bill No. 51: Senators Coburn, Church, Larson.

With unanimous consent, the Senate reverted to:

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

January 9th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Conference Committees have this day been appointed upon the following bills and like committees are requested from the Senate.

Beadle, Rognlien and Fowler: S. A. H. B. No. 60.

Mason, O'Connell and Watson (Meagher) S. A. H. B. No. 51.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Moved by Senator Kane, duly seconded and carried, that all bills considered on Third Reading this day be read by title only, and be considered read at length.

THIRD READING OF BILLS

Senate Joint Memorial No. 7, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 52.

Noes: Carroll.

Absent and not voting: Galt, MacGilvra, Reed. Total 3.

H. B. No. 78, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Burr, Campbell, Carey, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Harris, Hennessy, Himsl, Holton, Husband, Jergensen, Kalberg, Kane, Keeley, Kemmis, Kilduff, Larson, Melton, Murphy, Page, Parkin, Pauline, Plank, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 46.

Noes: Armstrong, Carroll, Garber, Holt, Kelsey, Lamp, Plumer. Total 7.

Absent and not voting: Galt, Kaulbach, MacGilvra.

H. B. No. 44, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 55.

Noes: None.

Absent and not voting: MacGilvra.

H. B. No. 12, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Garber, Harris, Hennessy, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson,

Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 50.

Noes: Coburn, Galt, Himsl, Melton. Total 4.

Absent and not voting: Cooper, MacGilvra.

H. B. No. 46, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Carey, Carroll, Clarke, Clifford, Corwin, Daniels, Delaney, Donovan, Eaton, Ekegren, Harris, Hennessy, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler. Total 41.

Noes: Campbell, Church, Coburn, Cooper, Duncan, Galt, Garber, Himsl, Keeley, Larson, Melton, Reed, Rowland, Willis. Total 14.

Absent and not voting: MacGilvra.

H. B. No. 62, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Daniels, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, Melton, Murphy, Page, Parkin, Pauline, Plank, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: Plumer.

Absent and not voting: MacGilvra.

Substitute for H. B. No. 67, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Burr, Campbell, Carey, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Daniels, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Harris, Hennessy, Himsl, Holt, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kemmis, Kilduff, Larson, Melton, Murphy, Page, Parkin, Pauline, Plank, Putnam, Reed, Rowland, Ruffcorn, Simmons, Thien, Walker, Wass, Wheeler, Willis. Total 46.

Noes: Armstrong, Carroll, Garber, Holton, Kelsey, Lamp, Plumer, Sparling, Staggs. Total 9.

Absent and not voting: MacGilvra.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 5:23 p. m., until 10:00 a. m., Wednesday, January 10, 1934.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

FORTY-FIFTH DAY

Helena, Montana. January 10, 1934.

Senate convened at 10:00 a. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Forty-fourth Day and have found the same correct.

GARBER, Chairman.

Report adopted.

MOTIONS AND RESOLUTIONS

The following resolution was submitted:

Helena, Montana. January 10, 1934.

Senate Chamber:

Mr. President: It is apparent at this time, that this Special Session of the Legislature has fallen far short of meeting the relief needs of the people of the state. Therefore, I hereby submit the following resolution:

That from and after the adoption of a similar resolution by the House of Representatives this Senate will receive and reconsider all revenue measures passed by the House of Representatives at this Special Session which have not already become law and will accept the rates and schedules set forth therein as presented to the bar of the Senate without discussion or amendment, excepting only the chain store tax. That this bill shall be redrafted to conform to the present existing law in all things except that the rates and schedules therein shall be twice the present ratio and schedules.

That where these bills are amending existing laws, each fund named therein shall receive, under the new law, an amount equal to and identical with the amount it would have received under the existing law. That all additional revenue and all revenue from new laws shall be allocated as follows 50% to the General Fund until all appropriations and expenses of this Special Session shall have been provided for, when any excess shall revert to the poor fund of the several counties in proportion to their population; 50% to the poor funds of the several counties in proportion to their population.

All bills passed under this resolution shall be in effect to March 15th, 1935 only, except that any tax due on that date shall be collected thereafter.

That the following committee be appointed to amend all bills to conform to this resolution: Donovan, Ruffcorn, Armstrong, Campbell, Sparling, Kane.

That the Judiciary Committee of the Senate and Attorney General's office be invited to assist in technicalities of law on request of the committee.

That a roll call on this resolution is requested and if carried the secretary be instructed to attach same to this resolution and have the resolution and roll call mimeographed and a copy thereof placed on each members desk.

KELSEY.

Moved by Senator Kelsey, that the foregoing resolution be adopted; motion duly seconded.

Senator Keeley rose to a point of order stating the intent of the resolution was reconsideration of matters on which the time had expired for reconsideration, and therefore, under the rules of the Senate was out of order. The President sustained the point of order taken by Senator Keeley.

Moved by Senator Lamp that the Senate reconsider its vote by which it approved the appointment of A. H. Stafford for commissioner of agriculture yesterday; motion duly seconded.

Senator Keeley rose to a point of order stating that the motion for reconsideration was out of order. The President overruled the point of order taken by Senator Keeley.

Moved by Senator Corwin that the vote on this question be postponed until 2 o'clock this afternoon; motion duly seconded and lost by a standing vote.

Moved by Senator Donovan that it be the sense of the Senate that the gentlemen of Granite is entitled to vote on the motion to reconsider the appointment of A. H. Stafford; motion duly seconded.

Senator Melton rose to a point of order stating that the Senate has no right to vote whether or not a Senator is entitled to vote. The President overruled the point of order taken by Senator Melton.

Action was thereupon had on the motion by Senator Lamp that the Senate reconsider its vote by which it approved the appointment of A. H. Stafford for Commissioner of Agriculture yesterday; which motion was carried by the following vote:

Ayes: Angvick, Burr, Carroll, Clarke, Clifford, Danielsen, Delaney, Donovan, Hennessy, Himsl, Holton, Jergensen, Kane, Kelsey, Kilduff, Lamp, MacGilvra, Murphy, Plank, Plumer, Putnam, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass. Total 28.

Noes: Armstrong, Campbell, Carey, Church, Coburn, Cooper, Corwin, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Holt, Husband, Kalberg, Kaulbach, Keeley, Kemmis, Larson, Melton, Parkin, Pauline, Reed, Rowland, Wheeler, Willis. Total 27.

Passed: Page.

Absent and not voting: None.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of business on General File.

Senator Coburn in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 42 be amended in Section 1 line 2 of the printed bill, by inserting after the word (buildings) the words (at Great Falls, Montana,) and in line 3 strike out the words (at Boulder, Montana) and insert a comma after the word (Blind).

That H. B. No. 42 be amended in Section 2 by striking out in lines 2 and 3 of the printed bill after the word "of" the words and figures "one hundred seventy-five thousand (\$175,000.00) dollars" and inserting in lieu thereof the words and figures "two hundred and twenty-five thousand (\$225,000.00) dollars."

That H. B. No. 42 be amended in Section 2 by inserting after the word "buildings" in line 4 of the printed bill, the following: "and remodeling and repairing the buildings now occupied by the deaf and blind at Boulder, Montana."

That H. B. No. 42 be amended in Section 2 by adding in line 34 of the engrossed bill after the word "buildings" the words "and by all the income and interest derived from the land grant made by the United States to the State of Montana for the establishment of a deaf and dumb asylum for the State of Montana," under Section 17 of the Enabling Act of Congress, approved February 22, 1889, entitled: "An Act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and state governments and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states."

That H. B. No. 42 be amended in Section 5 by adding in line 6 of the engrossed bill after the word "Board" and before the word "such" the following words: "and of all the income and interest derived from the land grant made by the United States to the State of Montana for the establishment of a deaf and dumb asylum for the State of Montana, under Section 17 of the Enabling Act of Congress, approved February 22, 1889, entitled: "An Act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states'";"

That H. B. No. 42 be amended in the title by inserting after the word (buildings) the words (at Great Falls, Montana,) and by striking out in line 3 of the printed bill the words (at Boulder, Montana).

That H. B. No. 42 be amended in the title by adding in line 9 of the engrossed bill after the word "Buildings" the words "and by all the income and interest derived from the land grant made by the United States to the State of Montana for the establishment of a deaf and dumb asylum for the State of Montana, under Section 17 of the Enabling Act of Congress, approved February 22, 1889, entitled: 'An Act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana and Washington to form constitutions and state governments and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states';"

And, as so amended, recommend that said H. B. No. 42 be concurred in.

COBURN, Chairman.

Upon motion of Senator Coburn, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 12:56 p. m., until 2:00 p. m.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:00 p. m.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Enrolled Bills submitted the following report:

Mr. President: We, your Committee on Enrolled Bills, to whom was referred Senate Bill No. 6, beg leave to report same back correctly enrolled and duly verified.

CLARKE, Chairman.

Report adopted.

The Judiciary Committee submitted the following report:

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 65, introduced by Beadle and O'Connell, respectfully report that said House Bill No. 65 be amended by striking out of the engrossed bills Sections 2, 3, 4, and 5 and by renumbering the following sections accordingly; and as so amended be concurred in.

CAMPBELL, Chairman.

Report adopted.

The President signed in open session: Senate Bill No. 6.

REPORTS OF SELECT COMMITTEES

The following Joint Conference Committee report was submitted:

Mr. President: We, your Joint Conference Committee having had under consideration Substitute House Bill No. 6 respectfully report as follows: That Substitute House Bill No. 6 be amended as follows:

By striking out all of the title of the engrossed bill as amended by Senate amendment and inserting in lieu thereof the following: "An Act to permit the payment of delinquent taxes, assessments, penalties and interest on real estate and certain personal property by installment payments, and repealing all Acts and parts of Acts in conflict therewith."

By striking out all of Section 1 of the engrossed bill as amended by Senate amendment and inserting in lieu thereof the following:

"Section One. All taxes and/or assessments heretofore levied against real property and all taxes heretofore levied against personal property and which are a lien against real property, together with penalties and interest thereon, which were delinquent and unpaid November 1st, 1933, may be paid in twenty (20) semi-annual installments extending over a period of ten (10) years, under the terms of a contract to be made by and between the Board of County Commissioners of the county wherein said property is located and any taxpayer concerned, provided that no taxes levied during the year 1933, nor any subsequent year, against the property embraced within any such contract shall be unpaid on the date when such contract is entered into."

By striking out the word "equal" in line 5, sub-division 6 of Section 2 of the engrossed bill as amended by Senate Amendment.

Amend by inserting after the word "application" in line 12, Section 3, of the engrossed bill the following: "and thereupon a written contract shall be made and entered into between the applicant and the Board of County Commissioners embodying the terms and provisions of such application."

Amend by striking out in Section 4 of the engrossed bill as amended by Senate amendment all of lines 29, 30, 31 and 32, page 2, and lines one and two, page 3, and inserting in lieu thereof the following: "and the county officers responsible shall proceed to take tax deed to such property as provided by law in the same manner as though the taxpayer had not availed himself of the provisions of this Act."

Amend by striking out all of Section 5 of the engrossed bill as amended by Senate amendments and inserting in lieu thereof the following:

"Section 5. The amount of delinquent taxes, assessments, penalties and interest, as specified in said contract, shall bear interest at the same rate as such delinquent taxes would bear, and such interest shall be payable semi-annually upon the balance remaining unpaid at that time, and the unpaid balance due on the contract may be paid in full at any time and the interest shall be computed only to such date of final payment."

Amend by striking out all of Section 8 of the engrossed bill as amended by Senate amendment and inserting in lieu thereof the following:

“Section 8. Upon the acceptance of any application, the County Treasurer shall determine the percentage of equity of each separate fund in the total amount of the contract based upon the levy or assessment of each such fund. Upon payment of any installment or installments, the County Treasurer shall issue his official receipt therefor, and he shall immediately credit such payment to the several funds on the above basis. Upon full payment of the contract, the County Treasurer shall deliver to the taxpayers the paid tax receipts for the years covered by said contract, and shall indicate on his records that such taxes have been paid in full. Provided, that after two (2) successive installments on such contract are past due and unpaid, and a tax deed is taken by the county, the sale price in such tax deed proceedings shall be the unpaid balance of all delinquent taxes or assessments, penalties and interest included in the contract.”

Amend by inserting in line 3, Section 10, page 3 of the engrossed bill as amended by Senate amendments after the word “shall” and before the word “apply” the word “also” and by striking out Senate amendment to Section 10 reading as follows: “Provided, however, that none of the provisions of this Act shall apply to assessments for special improvements levied or assessed against property in incorporated cities or towns,” and by inserting in lieu thereof the following: “Provided, however, that the provisions of this Act shall also apply to assessments for special improvements levied or assessed against property in incorporated cities or towns.”

The House accedes to Senate amendment to subdivision 5 of Section 2 of the engrossed bill.

The House accedes to Senate Amendment to subdivision 6 of Section 2 of the engrossed bill.

The House accedes to Senate amendments in lines 17, 20 and 21 of Section 3 of the engrossed bill.

The House accedes to Senate amendments in lines 25, 26 and 31 of Section 4 of the engrossed bill.

The House accedes to Senate amendments to Section 9 of the engrossed bill and also to Senate amendment in line 4 of Section 10 of the engrossed bill.

The House accedes to Senate amendments as to consecutive renumbering of sections.

And that said Substitute House Bill No. 6 as so amended and concurred in by your said Joint Conference Committee be concurred in.

SIMMONS,
KILDUFF,
CAREY,

For the Senate.

BYRNE,
UELAND,
GROENE,

For the House.

Joint Conference Committee.

Moved by Senator Burr that the foregoing Joint Conference Committee report be adopted; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsi, Holt, Holton, Hus-

band, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kilduff, Lamp, Mac-Gilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Willis. Total 51.

Noes: Kemmis, Larson.

Absent and not voting: Clarke, Keeley, Wheeler. Total 3.

MOTIONS AND RESOLUTIONS

Moved by Senator Eaton, duly seconded and carried, that House Bill No. 42 be taken from Third Reading of bills and placed on General File.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of business on General File.

Senator Lamp in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 28 be amended in Section 1 by striking out of Engrossed Bill the words: "one cent" and inserting in lieu thereof the words "one quarter of one cent."

And, as so amended, recommend that said H. B. No. 28 be concurred in.

That H. B. No. 65 be concurred in.

That H. B. No. 42 be amended in the title in line 2, printed bill by inserting after the first "for" in said line the words "the deaf and dumb asylum otherwise named by statute"; also in Section 1 line 3 before the word "Montana" the same amendment and also line 4 of Section 8 the same amendment before the word "Montana" in said line.

And, as so amended, recommend that said H. B. No. 42 be concurred in.

LAMP, Chairman.

Moved by Senator Lamp that the foregoing report of the Committee of the Whole be adopted; motion duly seconded.

As an amendment to the report of the Committee of the Whole, Senator Kane moved that House Bill No. 28 be segregated from the report; motion to amend duly seconded and lost by the following:

Ayes: Angvick, Armstrong, Carey, Carroll, Clarke, Clifford, Eaton, Ekegren, Harris, Hennessy, Holton, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Plank, Plumer, Putnam, Ruffcorn, Simmons, Sparling, Staggs, Wass. Total 27.

Noes: Burr, Campbell, Church, Coburn, Cooper, Corwin, Daniels, Delaney, Duncan, Galt, Garber, Himsl, Holt, Husband, Keeley, Larson, Mac-Gilvra, Melton, Murphy, Page, Parkin, Pauline, Reed, Rowland, Thien, Walker, Wheeler, Willis. Total 28.

Absent and not voting: Donovan.

The report of the Committee of the Whole was thereupon adopted.

With unanimous consent, the Senate reverted to:

REPORTS OF SELECT COMMITTEES

The following Joint Committee report was submitted:

To the President of the Senate and the Speaker of the House of Representatives:

We, your Joint Committee of the Senate and House of Representatives, appointed to investigate the cancellation of fire insurance contracts upon the buildings and contracts belonging to the state, and awarding of the automobile insurance for the state, respectfully report as follows:

Your committee has inquired closely into the facts concerning the recent cancellation of fire insurance contracts covering the state property and the re-letting of same, and the various circumstances connected therewith. Your committee also inquired into the re-letting of fire insurance contracts which had not been cancelled, but which had expired or will expire by limitation, and are being re-let from time to time. Your committee also inquired into the policy being followed by the State of Montana in placing fire, fire and theft, public liability and property damage insurance on the fleets of cars, trucks, motorized equipment and team equipment, either owned or operated by the state in its various activities, and the action of the State Board of Examiners in the purchase of such insurance contracts.

Your committee finds that in September 1932, the then State Board of Examiners, Erickson, Harmon and Foote, purchased insurance on the entire State List of buildings to the extent of \$9,353,685.00, at a uniform rate of \$.796 per \$100. of insurance for a period of three years. The awarding of these contracts was protested by the Miller Insurance Agency, a bidder for a part of the same insurance, which secured an injunction on the payment of the premiums by the state.

On date of March 31, 1933, the Board of Examiners, consisting of Governor Cooney, Secretary of State, Sam Mitchell, and Attorney General Raymond T. Nagle, on motion of Mitchell, voted to cancel all state fire insurance on the State List, to the extent of \$9,353,685.00, to take effect as of date of May 1, 1933, Nagle voting "no" on the motion. On date of April 28, 1933, the Board decided to accept the bid of the Miller Insurance Agency for new contracts in the amount of \$6,671,391 at a uniform rate of \$.60 per \$100 of insurance for a period of three years. The valuation on said state buildings and contents, under the new contracts, represents a reduction of 28% from the figures in the previous contracts, and the board evidently approved these lower values upon the recommendation of the Miller Insurance Agency.

Had these respective rates been the sole factors to be considered in gauging the comparative values of the contracts cancelled, and the new contracts, there would be no doubt of the greater economy in the new contracts. However, in cancelling the old contracts, which had run eight months, it became necessary to pay for this eight month's insurance at what is known as a short term rate, which in this case was equivalent to a three year rate of \$1.43 per \$100 of insurance. Your committee has combined this eight months' insurance at a rate of \$1.43, and twenty-eight months insurance at a rate of \$.60, to show that Montana is now paying an average three year rate of \$.851, while under the cancelled contracts it was paying a rate of \$.796.

The Board of Examiners evidently accepted the advice of the Miller Insurance Agency, to the effect that payment of the Short Term Rate under the cancelled policies was unnecessary and would not be required. However, after cancelling all of these original contracts, the board decided to ask for legal counsel from the Attorney General's office, and was advised that the said rate must be paid, and it was duly paid.

Aside from the actual money loss on the exchange of coverage involved, the excessive reduction in valuation endangers the effectiveness of the 90% co-insurance clause in the contracts and renders it probable that a full recovery could not be collected in case of total loss. Upon demand of one member of the board, Mr. Nagle, the Miller Insurance Agency agreed to furnish the board with endorsements on the contracts, in which endorsements the companies agreed that the valuations placed in the policies were the **found valuations of the buildings and contents**. This assurance has not been furnished to the board.

About \$4,500,000 of this insurance was written with Mutual Companies on Stock Company contracts, which practice is forbidden by Montana statutes. The validity of this portion of the state insurance is an unsettled question, not yet decided by our courts, and the state cannot question the validity of this insurance, since the state is a party to the contracts. There is serious question as to whether this amount of the insurance has been placed in valid contracts, and Attorney General Nagle stated that he would not even venture to say what the courts might decide if the matter came up to them again. There is a chance that companies can escape payment of loss under these contracts.

Your committee finds that a considerable volume of fire insurance, about \$250,000.00 in amount, had been carried in miscellaneous policies and companies, at varying rates, which rates were generally high. This insurance represents values of farm and ranch buildings and small institutions. The board has contracted with the Miller Insurance Agency to renew all of these policies at a uniform rate of \$1.00, and has arranged that all of the renewals shall expire at the same time in 1936, and thereafter be placed in a group contract. This rate is very low, and your committee doubts if responsible companies can be found to carry these risks at such a rate.

Your committee finds that Mr. Charles E. Miller, Jr., representative of the Miller Insurance Agency in selling these various contracts to the board, represented himself to the board as being, in fact, the agent of all the companies who took over the insurance under the new contracts; that the said Mr. Miller filed a sworn statement claiming that all premiums under said contracts were due and owing to him as such agent; and that said Mr. Miller later assigned portions of the proceeds of said claim to the companies to which the same was rightfully owing. Your committee also found through testimony of accredited representatives of these companies, which is hereto attached, that the said Mr. Miller did not at any time and does not now have any authority as a representative or agent of said companies, nor has he any authority to write business for them or collect claims for them, and that his sworn statement on above mentioned claim is wholly false.

Your committee finds evidence which is hereto attached, tending to prove the said Mr. Miller held a status as a "temporary employee" of these various companies, in a questionable and irregular capacity. That by reason of this questionable and irregular capacity in Mr. Miller's status with those companies, improper remuneration could be passed and was passed to him. Because of this fact, the State of Montana will lose a portion of the license tax collectible upon the total of all premiums charged upon insurance service in this state.

Your committee finds that the Insurance Department of the State of Montana has been placed in an embarrassing position in enforcing the insurance laws of the state and inflicting penalties on agents and companies found guilty of breaching the law in the writing of the insurance covering the state owned buildings. Action by the Insurance Department in the matter could well raise defenses for the company involved, in the case of loss, and could well provide grounds for foreign members of the Mutual companies involved, to attack the validity of the contract written,

in the event of a loss occurred and participation was called for by the companies. Your committee can find no reason why one State Department should aid and abet the violation of state laws, and place at a disadvantage other State Departments, charged with the duty of enforcing the laws violated and penalizing those responsible for that violation.

Your committee finds that on May 23, 1933, the Board of Examiners, Attorney General Nagle being absent, awarded the Public Liability and Property Damage, fire and theft insurance on all motor vehicles and other state equipment to the Miller Insurance Agency of Butte. No bids had been asked for on this insurance, as was on the fire insurance contracts on buildings and contents. It seems to your committee that if the Board of Examiners thought it best to advertise for bids on one type of insurance, the same policy should have been carried out in asking for this coverage on the state-owned motor vehicles and other equipment.

Your committee finds that somewhat later Mr. Nagle objected to this action, and that the board then called for bids on this insurance, bids to be opened on June 10, 1933. Evidence shows that at this meeting on June 10, when contracts were to be let, a Mr. Jacobus presented the lowest bid on public liability and property damage insurance on motor vehicles. Evidence was found to show that after the amount of the bids had been disclosed, either Mr. Mitchell or Mr. Miller produced an endorsement on Mr. Miller's bid, reducing same, so that he could secure the contract. Evidence also showed that Mr. Miller had on May 26th, received a state warrant in payment in full for the contracts that were being bid upon date of June 10, and had cashed said warrant and received the proceeds thereof.

The above mentioned endorsement was signed by Mr. Miller as agent for the companies concerned, and by no officer of said companies. This was also true of many other similar endorsements on these policies. Your committee is strongly apprehensive of the validity of such endorsements, and recommends that the Insurance Department be consulted concerning their validity and effect.

Your committee finds further that the State Insurance Department offered to the Board of Examiners all its facilities, for a thorough and dependable consideration of the insurance problem, with information and counsel concerning the responsibility of the various companies involved, the legal status of the agents and representatives and the adaptability and desirability of the types of policies offered. The Secretary of State testified that no previous experience in placing or handling insurance, yet he curtly and arrogantly refused and rejected all offers of assistance and co-operation from the Insurance Department, and continues at this time to so reject such co-operation. The facilities and co-operation of the Insurance Department are still available for the Secretary of State and the State Board of Examiners. Your committee strongly recommends that these two offices make use of the services which the people of the state have provided for them. Your committee found abundant evidence that the service of the Insurance Department is needed in the two said offices.

Your committee finds that cancellation of insurance contracts on the State List at short term rates, and the purchase of new contracts to balance the original insurance for three years, resulted in an actual loss to the state in the sum of \$3,996.84. It is believed that the valuations on this state property is now too low. It is also believed that the surplus assets and reserves, as well as the security and service to be had under the cancelled contracts, were unquestionably superior to similar factors in the contracts now in force.

Your committee finds that in placing new contracts on the miscellaneous farm and ranch property, the State Board of Examiners has ret let to the Miller Insurance Agency about \$90,000.00 of insurance contracts, upon which a saving has been made over the earlier rate in the

amount of \$1172.21. There remains about \$168,000.00 of contracts to be let, and on the rates promised, an additional saving of \$2361.84 is estimated. If this estimated reduction is secured a gross saving of \$3534.05 will have resulted.

In concluding, it is obvious that the public welfare demands at all times, and particularly in these perilous times, that every measure designed to guard the public interest be maintained and made effective. Summarizing its findings, your committee makes the following recommendations:

(1) That the State Board of Examiners scrupulously adhere to the highest standards of fairness and impartiality in placing contracts for public service, so that no question of impropriety may attach to such proceedings.

(2) That all state insurance contracts covering miscellaneous farm, ranch and institution properties, be submitted by the State Board of Examiners to the Insurance Department for inspection and approval, to assure adequate protection to state property to make certain that such contracts have been actually placed with responsible companies.

(3) That all public liability and property damage policies on state equipment, bearing agent's endorsements, be submitted by the State Board of Examiners to the Insurance Department for inspection and approval with regard to the validity and effect of such endorsements and policies.

(4) That the Insurance Department take the necessary steps to make certain that all insurance agents and solicitors are properly licensed and qualified under Montana Laws, to the end that the public may be protected against voidable and illegal contracts.

(5) That the Insurance Department and the Attorney-General promptly co-operate in an earnest effort to definitely determine and establish, if possible, the validity of all fire insurance contracts on state buildings, where such validity is now in question, or otherwise determine the invalidity of such contracts and permit the substitution of valid insurance in place thereof, and in such event provide for the recovery of any premiums improperly paid.

Respectfully submitted by your joint committee from Senate and House of Representatives.

PARKIN,
GARBER,
ROWLAND.

For the Senate.

BYRNE,
H. SPARLING,
ED. STIEFEL.

For the House of Representatives.

Moved by Senator Parkin that the foregoing Joint Committee report be adopted; motion duly seconded.

Moved by Senator Carroll that the Joint Committee report be laid on the table; motion duly seconded.

Senator Carroll rose to a point of order stating that a motion to "lay on the table" is not debatable, and therefore, the discussion by Senator Parkin is out of order. The President sustained the point of order taken by Senator Carroll.

Action was thereupon had on the motion by Senator Carroll that the Joint Committee report be laid on the table; which motion was lost by the following vote:

Ayes: Burr, Carroll, Clifford, Delaney, Donovan, Hennessy, Kelsey, Kilduff, Murphy, Page, Plumer, Putnam, Ruffcorn, Sparling, Walker. Total 15.

Noes: Angvick, Armstrong, Campbell, Carey, Church, Clarke, Coburn, Cooper, Corwin, Danielsen, Duncan, Eaton, Ekegren, Garber, Harris, Holt, Holton, Kalberg, Kane, Kaulbach, Kemmis, Lamp, Larson, Melton, Pauline, Plank, Reed, Rowland, Simmons, Staggs, Wass, Wheeler, Willis. Total 33.

Absent and not voting: MacGilvra.

Passed: Galt, Himsl, Husband, Jergensen, Keeley, Parkin, Thien. Total 7.

As a substitute motion to the motion by Senator Parkin, Senator Murphy moved that further consideration of the Joint Committee report be deferred until mimeographed copies have been placed on the desks of the members of the Senate; substitute motion duly seconded and carried.

Moved by Senator Jergensen that House Bill No. 42 be taken from Third Reading of bills and placed on General File; motion duly seconded and lost by the following vote:

Ayes: Angvick, Armstrong, Carey, Carroll, Church, Clarke, Clifford, Corwin, Delaney, Duncan, Harris, Holton, Jergensen, Kalberg, Kane, Kelsey, Kemmis, Lamp, Murphy, Page, Plank, Plumer, Putnam, Ruffcorn, Simmons, Sparling, Staggs. Total 27.

Noes: Burr, Campbell, Coburn, Cooper, Danielsen, Donovan, Eaton, Ekegren, Galt, Garber, Hennessy, Himsl, Holt, Husband, Kaulbach, Keeley, Kilduff, Larson, MacGilvra, Melton, Parkin, Pauline, Reed, Rowland, Thien, Walker, Wass, Wheeler, Willis. Total 29.

Absent and not voting: None.

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

January 10, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that House Bill No. 80, introduced by Committee on Appropriations: A bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-third Legislative Assembly; per diem to the officers and attaches and for incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana," was this day introduced in the House, without previous notice by unanimous consent, read first and second times at length and referred to Committee on Appropriations; the committee recommended the bill do pass; report adopted. Upon motion, considered correctly printed and placed on General Orders; recommended favorably by Committee of the Whole; report adopted and, upon motion, considered correctly engrossed and placed on Third Reading. Read three several times, title and history agreed to, and the bill is herewith transmitted to the Senate for its concurrence.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bill was introduced, read first and second times, and referred:

H. B. No. 80, introduced by Appropriations Committee: A bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-

third Legislative Assembly; per diem to the officers and attaches and for incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana." Referred to Committee on Finance and Claims.

MOTIONS AND RESOLUTIONS

Moved by Senator Ruffcorn that House Bill No. 28 be taken from Third Reading of Bills and placed on General File; motion duly seconded and lost by the following vote:

Ayes: Angvick, Armstrong, Carey, Carroll, Clarke, Clifford, Duncan, Eaton, Harris, Holton, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Plank, Plumer, Putnam, Ruffcorn, Simmons, Sparling, Staggs, Wass. Total 26.

Noes: Burr, Campbell, Church, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Ekegren, Galt, Garber, Hennessy, Himsl, Holt, Husband, Keeley, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Reed, Rowland, Thien, Walker, Wheeler, Willis. Total 30.

Absent and not voting: None.

Moved by Senator Kane, duly seconded and carried, that all bills considered on Third Reading this day be read by title only, and be considered read at length.

THIRD READING OF BILLS

H. B. No. 28, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 53.

Noes: Coburn, Galt, Melton. Total 3.

Absent and not voting: None.

H. B. No. 65, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 56.

Noes: None.

Absent and not voting: None.

H. B. No. 42, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Burr, Campbell, Church, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Eaton, Ekegren, Galt, Garber, Hennessy, Himsl, Holt, Husband, Kalberg, Kaulbach, Keeley, Larson, MacGilvra, Melton, Page, Parkin, Pauline, Reed, Rowland, Simmons, Thien, Walker, Wass, Wheeler, Willis. Total 35.

Noes: Armstrong, Carey, Carroll, Clarke, Clifford, Duncan, Harris, Holton, Jergensen, Kane, Kelsey, Kemmis, Kilduff, Lamp, Murphy, Plank, Plumer, Putnam, Ruffcorn, Sparling, Staggs. Total 21.

Absent and not voting: None.

Moved by Senator Kane, duly seconded and carried, that the Secretary be instructed to prepare a status of all bills and furnish a mimeographed copy thereof to each member.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 5:38 P. M., until 11:00 A. M., Thursday, January 11, 1934.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

FORTY-SIXTH DAY

Helena, Montana. January 11, 1934.

Senate convened at 11:20 a. m.
President presiding.
Prayer by the Chaplain.
Roll call. All members were present.
Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Forty-fifth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:
January 11, 1934.

The President of the Senate,
Senate Chamber,
Helena, Montana.

I have the honor to advise you that I have this day approved Senate Bill No. 6, "An Act providing for the sale of lands owned or to be owned by the State of Montana and needed by the United States in the construction of projects for flood control," etc.

F. H. COONEY, Governor.

With unanimous consent, the Senate reverted to:

REPORTS OF SELECT COMMITTEES

The following Joint Conference Committee report was submitted:

We, your Conference Committee, appointed to consider Senate amendments to Substitute House Bill No. 30, respectfully report and recommend as follows:

That we agree to and the House accedes to Senate amendment as follows:

Amend in title by adding in line 4 of the title of the printed bill, after the figure "30", the following figure and comma "31."

That we agree to and the House accedes to Senate Committee on Judiciary amendment, as follows:

Amend by striking out in Sub-Section 2, of Section 1, engrossed bill, all of paragraph (F) and relettering the following paragraphs of said section accordingly.

That we agree to and the House accedes to Senate amendment as follows:

Amend by striking out all of paragraph (K) in Section 2.

That we agree to and the House accedes to Senate amendment as follows:

Amend by striking out in Sub-Section 9 of Section 3, engrossed bill, in line 23, the words "store vendor."

That we agree to and the House accedes to Senate amendment as follows:

Amend by striking out in Section 6, engrossed bill, in line 16, the words "store vendor."

That the Senate recedes from the following Senate amendment:

Amend by adding after Section 10, in line 6, of page 5, printed bill, the following:

"Section 11. That Section 31 of Chapter 106 of the Session Laws of 1933, be and the same is hereby amended to read as follows:

"Section 31. It shall be unlawful for such retailer to purchase or acquire beer from anyone except a brewer or wholesaler licenced under the provisions of this Act, or for any person, firm or corporation to sell or dispose of beer to any person under the age of twenty-one (21) years, or to any person who shall appear to be in an intoxicated or disorderly condition, or to allow or permit any intoxicated or disorderly person to come into or remain in or about his premises. It is further provided that no person under the age of twenty-one (21) years shall dispense or serve beer to patrons."

That we agree to the following amendment:

Amend by adding after Section 10 of page 5, printed bill, the following:

"Section 11. That Section 31 of Chapter 106 of the Session Laws of 1933, be and the same is hereby amended to read as follows:

"Section 31. It shall be unlawful for such retailer to purchase or acquire beer from anyone except a brewer or wholesaler licensed under the provisions of this Act, or for any person, firm or corporation to sell or dispose of beer to any person who shall appear to be in an intoxicated or disorderly condition, or to allow or permit any intoxicated or disorderly person to come into or remain in or about his premises, and re-number the succeeding sections accordingly.

That we agree to and the House accedes to Senate amendment as follows:

Amend by striking out all Section 11, engrossed bill, and renumbering succeeding sections accordingly.

That we agree to and the House accedes to Senate amendment as follows:

Amend by striking out in Section 15, engrossed bill, all of line 19.

That the Senate recedes from Senate amendment as follows:

Amend in Section 14, engrossed bill, by striking out all of line 18 and inserting in lieu thereof the following: "each retailer in towns having a population less than five hundred (500) one hundred dollars (\$100); each retailer in cities and towns having a population of five hundred (500) and not more than one thousand (1,000) one hundred and fifty dollars (\$150.); each retailer in cities or towns having a population of one thousand (1,000) or more, two hundred dollars (\$200).

That we agree to and the House accedes to Senate amendments as follows:

Amend by striking out all of original Section 16, engrossed bill, and renumbering succeeding sections accordingly.

That we agree that Senate amendment, as follows:

Amend by striking out all of Section 16 after the word "follows" in line 29, engrossed bill, and inserting in lieu thereof the following: "one-half (½) thereof shall be transferred to the General Fund of the State of Montana and the remaining one-half (½) shall be distributed to the Emergency Relief Fund to be administered by the State Emergency Relief Commission of the State of Montana; be corrected by inserting the figure "18", in line one (1) of the amendment, in lieu of the figure "16", and as corrected, the amendment is agreed to.

THIEN,
BURR,
LARSON,

Senate Committee.

SPANGLER,
DOE,
McELWAIN,

House Committee.

Moved by Senator Thien that the foregoing Joint Conference Committee report on Substitute for House Bill No. 30, be adopted; motion duly seconded.

As a substitute motion to the motion by Senator Thien, Senator Sparling moved that the report of the Joint Conference Committee on Substitute for House Bill No. 30 be not adopted, and that a new conference committee be appointed; substitute motion duly seconded and lost by the following vote:

Ayes: Angvick, Armstrong, Clarke, Clifford, Corwin, Daniels, Duncan, Eaton, Garber, Harris, Holt, Kelsey, Kemmis, Murphy, Plank, Plumer, Putnam, Simmons, Sparling, Staggs, Wass. Total 21.

Noes: Burr, Campbell, Carey, Carroll, Church, Coburn, Cooper, Delaney, Donovan, Ekegren, Galt, Hennessy, Himsl, Holton, Husband, Kalberg, Kane, Kaulbach, Keeley, Kilduff, Lamp, Larson, MacGilvra, Melton, Page, Parkin, Pauline, Reed, Rowland, Ruffcorn, Thien, Walker, Wheeler, Willis. Total 34.

Absent and not voting: None.

Passed: Jergensen.

Action was thereupon had on the original motion by Senator Thien that the Joint Conference Committee report on Substitute for House Bill No. 30 be adopted; which motion was carried by the following vote:

Ayes: Angvick, Burr, Campbell, Carey, Carroll, Church, Coburn, Cooper, Corwin, Delaney, Donovan, Ekegren, Galt, Hennessy, Himsl, Holt,

Holton, Husband, Kalberg, Kane, Kaulbach, Keeley, Kilduff, Lamp, Larson, MacGilvra, Melton, Parkin, Pauline, Plank, Reed, Rowland, Simmons, Thien, Walker, Wheeler, Willis. Total 37.

Noes: Armstrong, Clark, Clifford, Danielsen, Duncan, Eaton, Garber, Harris, Kelsey, Kemmis, Murphy, Plumer, Putnam, Sparling, Staggs, Wass. Total 16.

Absent and not voting: Jergensen, Page, Ruffcorn. Total 3.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:38 a. m., until 2:00 p. m.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:00 p. m.
President presiding.

REPORTS OF STANDING COMMITTEES

The Committee on Finance and Claims submitted the following report:

Mr. President: We, your Committee on Finance and Claims, having had under consideration House Bill No. 80, respectfully report as follows: That House Bill No. 80 be amended as follows:

By striking out in Section 1, in line 18 the words and figures "Thirty-three Thousand Dollars, \$33,000.00" and substituting in lieu thereof the words and figures "Twelve Thousand Dollars, \$12,000.00".

And further amend by striking out in line 22, the words and figures "Thirteen Thousand Five Hundred, \$13,500.00 and substituting in lieu thereof, the words and figures "Six Thousand Dollars, \$6,000.00."

And further amend by striking out in lines 25 and 26 immediately after the comma following the word Montana the words and figures "Nine Thousand Five Hundred Dollars, \$9,500.00 and substituting in lieu thereof the words and figures "Four Thousand Five Hundred, \$4,500.00."

And, as so amended, that House Bill No. 80 be concurred in.

STAGGS, Vice-Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

January 11, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following motion was this day adopted:

I move that the Senate Committee on Taxation and the President of the Senate be invited to meet with the House Committee on Revenue and Taxation and the Speaker of the House to confer with each other and the Governor on the revenues of the state.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Moved by Senator Ruffcorn that the Senate accept the invitation of the House contained in the foregoing communication; motion duly seconded.

As a substitute motion to the motion by Senator Ruffcorn, Senator Melton moved that the invitation of the House be not accepted; substitute motion duly seconded and lost.

As an amendment to the motion by Senator Ruffcorn, Senator Burr moved that the President of the Senate be excepted from the invitation of the House; motion to amend duly seconded and carried.

As a substitute motion to the motion of Senator Ruffcorn, as amended, Senator Larson moved that the entire matter be referred to the Committee on Finance and Claims; substitute motion duly seconded and carried.

MOTIONS AND RESOLUTIONS

Moved by Senator Parkin that the report of the Special Committee on Fire Insurance investigation be adopted; motion duly seconded.

As a substitute motion to the motion by Senator Parkin, Senator Carroll moved that consideration of this matter be deferred until 11:00 a. m., January 12th; substitute motion duly seconded and carried.

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of business on General File.

Senator Ruffcorn in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 80 be concurred in.

RUFFCORN, Chairman.

Upon motion of Senator Ruffcorn, duly seconded and carried the foregoing report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

H. B. No. 80, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielson, Delaney, Donovan, Duncan, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wheeler, Willis. Total 51.

Noes: Kaulbach, Melton.

Absent and not voting: Eaton, MacGivra, Wass. Total 3.

With unanimous consent, the Senate reverted to:

INTRODUCTION OF BILLS

With unanimous consent of the Senate, the following bill was introduced without previous notice having been given, read first and second times, and referred:

S. B. No. 24. Introduced by Larson, Campbell and Husband. A bill for an Act entitled: "An Act to amend Section 97, of Chapter 105, (commonly called the Liquor Control Act), of the Twenty-third Legislative Assembly in regular session assembled, relating to the allocation and distribution of net profits, derived from the administration of the law, to the state and counties." Referred to Judiciary Committee.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 2:27 p. m., until 3:30 p. m.

Pursuant to recess, the Senate reconvened at 3:30 p. m.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Finance and Claims submitted the following report:

Mr. President: We, your Committee on Finance and Claims, having had under consideration the invitation from the House asking that a committee from the Senate attend a Conference Committee to discuss state finance and taxation measures, respectfully report that we recommend that the invitation be accepted, and that the vice chairman of the Finance and Claims committee be named in place of the President of the Senate to attend the conference, and that the committee be requested to report back to the Senate on Friday January 12th, by 2 p. m. of said day.

STAGGS, Vice-Chairman.

Report adopted.

The Judiciary Committee submitted the following report:

Mr. President: We, your Committee on Judiciary, having had under consideration Senate Bill No. 24, introduced by Larson, Campbell and Husband, respectfully report as follows: That Senate Bill No. 24 do pass.

CAMPBELL, Chairman.

Report adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 3:34 p. m., until 10:30 a. m., Friday, January 12, 1934.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

 FORTY-SEVENTH DAY

Helena, Montana. January 12, 1934.

Senate convened at 10:30 a. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Forty-sixth Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on Printing submitted the following report:

Mr. President: We, your Committee on Printing, to whom was referred Senate Bill No. 24, beg leave to report that the same has this date been returned from the printer correctly printed.

GALT, Chairman.

Report adopted.

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Melton in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That S. B. No. 24 do pass.

MELTON, Chairman.

Upon motion of Senator Melton, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

With unanimous consent, the Senate reverted to:

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

January 11, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Conference Committee was appointed to consider S. A. H. B. No. 12, and a like committee is hereby requested from the Senate: Freudenstein, Harlen, Roll.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Moved by Senator Kane, duly seconded and carried, that the President appoint a committee of three members to confer with a like committee from the House to consider Senate amendments to House Bill No. 12.

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that all bills considered on Third Reading this day be read by title only, and be considered read at length.

Moved by Senator Kane, duly seconded and carried, that Senate Bill No. 24 be considered correctly engrossed and placd on Third Reading of Bills.

THIRD READING OF BILLS

S. B. No. 24, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Delaney, Donovan, Duncan, Eaton, Ekgren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Wass, Wheeler, Willis. Total 51.

Noes: Carroll, Plumer.

Absent and not voting: Danielsen, Plank, Walker. Total 3.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 10:42 A. M., until 11:00 A. M.

Pursuant to recess, the Senate reconvened at 11:00 A. M.

President presiding.

The President appointed the following as Senate members of the committee to confer with a like committee from the House to consider Senate amendments to House Bill No. 12: Senators Coburn, Melton, Reed.

With unanimous consent, the Senate reverted to:

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

January 10, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day, upon motion, adopted:

Committee on State Lands—S. B. No. 8, concurred in as amended.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 10, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration Business on General Orders, do report that we recommend:

S. A. H. B. No. 78, be concurred in.

S. A. H. B. No. 67, be concurred in.

S. A. H. B. No. 44, be concurred in.

S. A. H. B. No. 12, be not concurred in and Conference Committee requested.

S. A. H. B. No. 46, be not concurred in and Conference Committee requested.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

January 10, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Senate amendments to House bills were this day read three several times, title and history agreed to and concurred in:

- S. A. H. B. No. 57.
- S. A. H. B. No. 78.
- S. A. H. B. No. 67.
- S. A. H. B. No. 44.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

January 10, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Conference Committee report on Substitute H. B. No. 6 was, upon roll call, adopted.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

January 11, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

- Committee on Federal Relations—S. J. M. No. 6, be placed on General Orders.
- Committee on Federal Relations—S. J. M. No. 7, be placed on General Orders.
- Committee on Judiciary—S. B. No. 3, be concurred in.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

January 11, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Conference Committee report on House Bill No. 30 was, upon roll call, this day adopted.

Respectfully,
 JOHN J. JEWELL,
 Chief Clerk.

SPECIAL ORDER OF BUSINESS

The Senate again took up the consideration of the report of the Special Committee on Fire Insurance, which report had been made a special order of business for this time.

Moved by Senator Parkin that the report of the Special Committee on Fire Insurance be adopted and that the committee be discharged; motion duly seconded.

As a substitute motion to the motion by Senator Parkin, Senator Kane moved that the report be received and filed with the Secretary; substitute motion duly seconded and carried.

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

January 11, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, the House reconsidered its action on S. A. H. B. No. 46, and upon Third Reading, the Senate amendments were concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:30 A. M., until 2:00 P. M.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:00 P. M.

President presiding.

The President signed in open Session: House Bill No. 1; House Bill No. 62; House Bill No. 78; House Bill No. 44; House Bill No. 57; House Bill No. 67.

SPECIAL ORDER OF BUSINESS

At 2:00 P. M. the matter of state revenues was again brought before the Senate, which matter had been made a special order of business for this time.

Moved by Senator Ruffcorn, duly seconded and carried, that the Senate Taxation Committee be granted additional time in which to confer with the House Committee on Revenue and Taxation relative to the revenues of the state.

REPORTS OF STANDING COMMITTEES

The Committee on State Boards and Offices submitted the following report:

Mr. President: We, your Committee on State Boards and Offices, to whom was referred the nomination of J. T. Kelly to the office of Commissioner of Agriculture, submitted to the Senate January 8th, 1934, beg leave to report as follows: The following letter was addressed to the Attorney General's office and a telegraphic reply from Mr. Nagle personally follows the letter.

January 10, 1934.

Attorney General's Office,
State Capitol,
Helena, Montana.

Gentlemen:

The Senate Committee on State Boards and Offices has been requested by the Senate Body to consider the appointment of J. T. Kelly to the office of Secretary of Agriculture, submitted to the Senate by Governor Cooney on Monday, January 8, 1934.

In this connection we beg to submit to your office the following legal questions: (1) Was the appointment of A. H. Stafford to the office of Secretary of Agriculture, made by Governor Erickson, March 13, 1933, and before Mr. Stafford's term of office had expired, legal and valid? If not, did the appointment become legal and valid through acquiescence of Governor Cooney, without making any other appointment until January 8, 1934?

(2) Should the appointment of Mr. Stafford have been submitted to the Senate within 10 days after meeting in Extraordinary Session, and would confirmation at this time be legal?

(3) Did a vacancy exist at the time of the appointment of Mr. Kelly by Governor Cooney and will his confirmation by the Senate at this time be legal and valid?

It will be appreciated if we may have your opinion on the above questions by 2 P. M. of today.

SENATE COMMITTEE ON STATE BOARDS
AND OFFICES.

J. W. CORWIN, Chairman.

TELEGRAPHIC REPLY

Attorney General's Office
Helena, Montana

No appointment by acquiescence but on authority of two nineteen northwestern one two five comma two two two Pacific eleven comma, two seventeen Pacific nine eighteen and sixty-three California three three four likely that Erickson appointment valid stop other questions depend on this and on what action Senate takes. Ray Nagle.

Since it was the nomination of J. T. Kelly that was referred to the committee for consideration and the opinion of the Attorney General would indicate that likely his appointment is not legally before the Senate Body we submit the matter without recommendation.

CORWIN, Chairman.
KAULBACH,
EKEGREN,
DELANEY,
MURPHY,

Committee on State
Boards and Offices.

Report adopted.

REPORTS OF SELECT COMMITTEES

The following Joint Conference Committee report was submitted:

Mr. President: We, your Conference Committee, having had under consideration House Bill No. 71, respectfully report as follows: That the House accede to the Senate amendment in Section 1, lines 7 and 8 of the printed bill, striking out the words and figures "Thirty-nine Thousand One Hundred Forty-seven Dollars, \$39,147.00" and inserting in lieu thereof the words and figures "Forty-nine Thousand One Hundred Forty-seven Dollars, \$49,147.00," and further amend by striking out in Section 1, line 9, of the printed bill the Senate amendment, the words and figures "Seven Thousand Five Hundred Dollars, \$7,500.00" and substituting in lieu thereof the words and figures "Six Thousand Dollars, \$6,000.00."

And that House Bill No. 71 be further amended by inserting a new section to be known as Section 3 and to read as follows: "Section 3. The moneys herein appropriated for equipment, supplies and materials shall

be disbursed by the State Board of Examiners for the purchase of materials to be used in repairs to the State Capitol Building under the supervision of the Montana Civil Works Board and all purchases of materials hereunder shall be made through the State Purchasing Agent, and shall be of kind and quality approved by the supervising officer representing the Montana Civil Works Board and the State Board of Examiners." Renumber the remaining sections accordingly, and as so amended, recommend that the same be concurred in.

STAGGS,
REED,
PLANK,

For the Senate.

PIERSON,
ROLL,
ARNOLD,

For the House.

Moved by Senator Staggs that the foregoing Joint Conference Committee report be adopted; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: Melton.

Absent and not voting: MacGilvra.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 2:25 p. m., subject to the call of the Chair.

Pursuant to recess, the Senate reconvened at 2:28 p. m.

President presiding.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

January 12, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Conference Committee was this day appointed on Senate Amendments to House Bill No. 80, and it is requested that a like committee from the Senate be appointed: Shannon, Logan, Nelstead.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 12, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

S. A. H. B. No. 80, be not concurred in and Conference Committee requested.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Upon motion of Senator Kane, duly seconded and carried, the President appointed the following as Senate members of the committee to confer with a like committee from the House to consider Senate amendments to House Bill No. 80: Senator Staggs, Donovan, Thien.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 2:30 p. m., until 3:30 p. m.

Pursuant to recess, the Senate reconvened at 3:30 p. m.

President presiding.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 3:30 p. m., until 4:00 p. m.

Pursuant to recess, the Senate reconvened at 4:00 p. m.

President presiding.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

January 12, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

S. A. H. B. No. 42, be not concurred in and Conference Committee requested.

S. J. M. No. 6 be concurred in.

S. J. M. No. 7, be concurred in.

S. B. No. 3 be concurred in.

S. A. H. B. No. 28 be not concurred in and Conference Committee requested.

S. A. H. B. No. 65, be concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 12, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that Conference Committees have this day been appointed by the Speaker to confer with like Committees from the Senate on Senate Amendments to House Bill No. 28, and Senate Amendments to House Bill No. 42, and like committees are hereby requested from the Senate:

S. A. H. B. No. 28: Breitenstein, Besancon, Watson (Meagher).

S. A. H. B. No. 42, Pilgeram, Rearden (Cascade) Knowles.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Moved by Senator Kane, duly seconded and carried, that the President appoint a committee of three members to confer with a like committee from the House to consider Senate amendments to House Bill No. 28.

Moved by Senator Kane, duly seconded and carried, that the President appoint a committee of three members to confer with a like committee from the House to consider Senate amendments to House Bill No. 42.

INTRODUCTION OF BILLS

With unanimous consent, the following memorial was introduced with previous notice having been given, and read:

SENATE MEMORIAL

Introduced by Holt and Garber.

A Senate Memorial addressed to the President of the United States, requesting the allocation of money appropriated by the Congress of the United States for the Civil Works Service Administration Art Division, acting under the public works division of the National Recovery Administration of the United States Government, with which to build a suitable memorial at Thompson Falls, Montana, in commemoration of the Public Works of David Thompson, the noted engineer, geologist, and explorer of Western Montana during the years 1806-1810.

To the President of the United States and to the Senate and House of Representatives in Congress assembled:

Your memorialists, the members of the Senate in the Twenty-third Legislative Assembly of the State of Montana in extra-ordinary session assembled do hereby request that from the appropriation of over Two Million (\$2,000,000.00) Dollars which has been made by the Congress of the United States to the Civil Works Administration that the sum of Twenty Thousand (\$20,000.00) Dollars thereof be set aside and appropriated exclusively for the erection of a suitable memorial building at Thompson Falls, in the State of Montana, to be known as "The David Thompson Memorial" in recognition of his outstanding achievements and ability as an engineer and geologist in exploring, mapping and preparation of valuable reports on the terrain, vegetable, mineral resources and animal life discovered in this territory during the years 1806-1810.

In the Washington State Historical Library, Volume VI published in 1915 describes David Thompson as the greatest land geographer the English race has ever produced.

Upon motion of Senator Garber, duly seconded and carried, the foregoing memorial was adopted.

MOTIONS AND RESOLUTIONS

Moved by Senator Donovan that further consideration of the appointment of A. H. Stafford to the office of Commissioner of Agriculture be indefinitely postponed; motion duly seconded.

Senator Keeley rose to a point of order stating that the motion by Senator Donovan was an improper motion; that the Senate can not reconsider a vote on a confirmation; and therefore, the motion by Senator Donovan was out of order. The President sustained the point of order taken by Senator Keeley.

Senator Donovan appealed from the decision of the Chair on the ruling of the point of order taken by Senator Keeley.

Upon the request of five members of the Senate, a call of the Senate was ordered.

The secretary called the roll of the Senate and reported: Cooper, MacGilvra, absent. Reed excused.

The President instructed the Sergeant-at-Arms to bring in the absentee members.

Moved by Senator Donovan, duly seconded and carried, that the call of the Senate be dispensed with.

The President announced that the question before the Senate is: "Shall the Chair be sustained on its ruling on the point of order taken by the Senator from Powell County."

Thereupon roll was called and the decision of the Chair was overrudden by the following vote:

Ayes: Armstrong, Campbell, Church, Coburn, Corwin, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Husband, Kaulbach, Keeley, Kemmis, Lamp, Larson, Metlon, Page, Parkin, Rowland, Staggs, Wheeler, Willis. Total 24.

Noes: Angvick, Burr, Carroll, Clarke, Clifford, Danielsens, Delaney, Donovan, Hennessy, Himsl, Holt, Holton, Jergensen, Kalberg, Kelsey, Kilduff, Murphy, Plank, Plumer, Putnam, Ruffcorn, Sparling, Thien, Walker, Wass. Total 25.

Paired: Carey with Simmons, Kane and Reed. Total 4.

Passed: Pauline.

Absent and not voting: Cooper, MacGilvra. Total 2.

Upon the request of five members of the Senate, a call of the Senate was ordered.

The secretary called the roll of the Senate and reported: MacGilvra, absent. Reed, excused.

The President instructed the Sergeant-at-Arms to bring in the absentee member.

Moved by Senator Keeley that the call of the Senate be dispensed with; motion duly seconded, and the roll was being called when the absentee member reported that he was present in the Senate. The roll call was thereupon discontinued and the call of the Senate dispensed with.

Action thereupon reverted to the motion by Senator Donovan that further consideration of the appointment of A. H. Stafford to the office of Commissioner of Agriculture be indefinitely postponed.

Senator Keeley rose to a point of order stating that the motion by Senator Donovan was an improper motion as the appointment of A. H. Stafford was not before the Senate; and therefore, the motion by Senator Donovan was out of order. The President overruled the point of order taken by Senator Keeley.

Roll was thereupon called on the motion by Senator Donovan that further consideration of the appointment of A. H. Stafford to the office of Commissioner of Agriculture be indefinitely postponed; which motion was lost by the following vote:

Ayes: Angvick, Burr, Carroll, Clarke, Clifford, Danielsens, Delaney, Donovan, Hennessy, Holt, Holton, Jergensen, Kalberg, Kelsey, Kilduff, Lamp, MacGilvra, Murphy, Plank, Plumer, Putnam, Ruffcorn, Sparling, Thien, Walker, Wass. Total 26.

Noes: Armstrong, Campbell, Church, Coburn, Cooper, Corwin, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Himsl, Husband, Kaulbach, Keeley, Kemmis, Larson, Melton, Page, Parkin, Pauline, Rowland, Staggs, Wheeler, Willis. Total 26.

Paired: Carey with Simmons, Kane with Reed. Total 4.

Absent and not voting: None.

Moved by Senator Delaney that the nomination of J. T. Kelly as Secretary of Agriculture be confirmed; motion duly seconded.

Senator Keeley rose to a point of order that this office is filled and no vacnacy exists as the Senate has rejected any reconsideration of the

confirmation that was made; and therefore, the motion by Senator Delaney was out of order. The President sustained the point of order taken by Senator Keeley.

The President appointed the following as members of the committee to confer with a like committee from the House to consider Senate amendments to House Bill No. 28: Senators Himsl, Holt, Eaton.

The President appointed the following as members of the committee to confer with a like committee from the House to consider Senate amendments to House Bill No. 42: Senators Corwin, Armstrong, Jergensen.

With unanimous consent, the Senate reverted to:

REPORTS OF SELECT COMMITTEES

The following Joint Conference Committee report was submitted:

Mr. President: We, your Conference Committee, having had under consideration House Bill No. 80, being a bill for an Act entitled: A bill for an Act entitled: "An Act to appropriate money for the payment of mileage and per diem to the members of the Extraordinary Session of the Twenty-third Legislative Assembly; per diem to the officers and attaches and for incidental expenses of the Extraordinary Session of the Twenty-third Legislative Assembly of the State of Montana," respectfully report as follows: That the Senate recedes from its amendment to Section 1, in line 6, striking out the words and figures, "Twelve Thousand Dollars, \$12,000.00," and that the words and figures, "Fifteen Thousand One Hundred Dollars, \$15,100.00" be substituted therefor. And that the Senate also recedes from its amendment in Section 1, line 5, striking out the words and figures, "Six Thousand Dollars, \$6,000.00" and substituting in lieu thereof the words and figures "Eight Thousand Dollars, \$8,000.00," and, as so amended, recommend that the same be concurred in.

STAGGS,
THIEN,
DONOVAN,

For the Senate.

NELSTEAD,
SHANNON,
LOGAN,

For the House.

Moved by Senator Staggs that the foregoing Joint Conference Committee report be adopted; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilyra, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Rowland, Ruffcorn, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 52.

Noes: Carroll.

Passed: Melton.

Absent and not voting: Reed, Simmons.

Moved by Senator Donovan that further consideration of the appointment of A. H. Stafford to the office of Commissioner of Agriculture be indefinitely postponed; motion duly seconded.

Senator Church rose to a point of order, stating that the same motion by the same Senator had already been made this day, and was, therefore, out of order at this time. The President sustained the point of order taken by Senator Church.

Moved by Senator Himsl that the Senate reconsider its vote on Senator Donovan's motion for indefinite postponement; motion duly seconded and carried by the following vote:

Ayes: Angvick, Burr, Carroll, Clarke, Clifford, Danielsen, Delaney, Donovan, Hennessy, Himsl, Holt, Holton, Jergensen, Kalberg, Kelsey, Kilduff, Lamp, Murphy, Plank, Plumer, Putnam, Ruffcorn, Sparling, Thien, Walker, Wass. Total 26.

Noes: Armstrong, Campbell, Church, Coburn, Corwin, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Husband, Kaulbach, Keeley, Kemmis, Larson, Melton, Page, Parkin, Pauline, Rowland, Staggs, Wheeler, Willis. Total 24.

Paired: Carey with Simmons, Kane with Reed, Cooper with MacGilvra. Total 6.

Absent and not voting: None.

Moved by Senator Donovan that further consideration of the appointment of A. H. Stafford to the office of Commissioner of Agriculture be indefinitely postponed; motion duly seconded and carried by the following vote:

Ayes: Angvick, Burr, Carroll, Clarke, Clifford, Danielsen, Delaney, Donovan, Hennessy, Himsl, Holt, Holton, Jergensen, Kalberg, Kelsey, Kilduff, Lamp, Murphy, Plank, Plumer, Putnam, Ruffcorn, Sparling, Thien, Walker, Wass. Total 26.

Noes: Armstrong, Campbell, Church, Coburn, Corwin, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Husband, Kaulbach, Keeley, Kemmis, Larson, Melton, Page, Parkin, Pauline, Rowland, Staggs, Wheeler, Willis. Total 24.

Paired: Carey with Simmons, Cooper with MacGilvra, Kane with Reed. Absent and not voting: None.

Moved by Senator Donovan that the Senate reconsider its vote by which it passed the motion to indefinitely postpone further consideration of the appointment of A. H. Stafford to the office of Commissioner of Agriculture; motion duly seconded and lost by the following vote:

Ayes: Armstrong, Campbell, Church, Coburn, Corwin, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Husband, Kaulbach, Keeley, Kemmis, Larson, Melton, Page, Parkin, Pauline, Rowland, Staggs, Wheeler, Willis. Total 24.

Noes: Angvick, Burr, Carroll, Clarke, Clifford, Danielsen, Delaney, Donovan, Hennessy, Himsl, Holt, Holton, Jergensen, Kalberg, Kelsey, Kilduff, Lamp, Murphy, Plank, Plumer, Putnam, Ruffcorn, Sparling, Thien, Walker, Wass. Total 26.

Paired: Carey with Simmons, Cooper with MacGilvra, Kane with Reed. Total 6.

Absent and not voting: None.

Moved by Senator Delaney that the Senate confirm the nomination of J. T. Kelly as Secretary of Agriculture; motion duly seconded.

Senator Keeley rose to a point of order stating that the motion by Senator Delaney was out of order; that there is no vacancy in this office at the present time and that any attempt to put another man in the same office is entirely out of order.

Senator Kelsey rose to debate the point of order taken by Senator Keeley.

Senator Campbell rose to a point of order, stating that a point of order is not debatable. The President sustained the point of order taken by Senator Campbell.

The President thereupon overruled the point of order taken by Senator Keeley.

Action was thereupon had on the motion by Senator Delaney that the Senate confirm the nomination of J. T. Kelly as Secretary of Agriculture; which motion was lost by the following vote:

Ayes: Carroll, Clifford, Delaney, Donovan, Himsl, Holt, Keeley, Kelsey, Kilduff, Murphy, Parkin, Plumer, Putnam, Ruffcorn, Sparling, Walker, Wass. Total 17.

Noes: Armstrong, Burr, Campbell, Church, Clarke, Coburn, Corwin, Danielsen, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Holton, Husband, Jergensen, Kalberg, Kaulbach, Kemmis, Lamp, Larson, Melton, Page, Pauline, Plank, Rowland, Staggs, Thien, Wheeler, Willis. Total 32.

Paired: Carey with Simmons, Cooper with MacGilvra, Kane with Reed. Total 6.

Absent and not voting: Angvick.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 5:55 p. m., until 11:00 a. m. January 13, 1934.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

FORTY-EIGHTH DAY

Helena, Montana, January 13, 1934.

Senate convened at 11:00 a. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Forty-seventh Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF SELECT COMMITTEES

The following Select Committee report was submitted:

Mr. President, and Members of the Senate of the State of Montana.

We, your committee appointed pursuant to the request of Senator Burr to investigate the investments of student funds at the Montana State University at Missoula, the amount of money available from the student's funds for the erection of further buildings and to make recommendations, do hereby respectfully report as follows:

With the time and money at our command, we have made as complete an investigation of the students affairs as possible. We called in many graduates of the university and several students who are at present attending the school. Dr. Clapp, President of the University, Mr. J. B. Spear, business manager and others of the administration force testified. The transcripts of the testimonies given before our committee are of great volume, and it would be impossible for us to include the same in this report.

We hereby make a compilation of some of the facts brought out by the investigation and offer certain conclusions arrived at by the committee.

STUDENT FUNDS

We find, according to reports submitted to this committee that \$61,733.78 have been accumulated over a period of years by the students of the University, which sum is divided in several different funds and covers a wide range of investments and items.

Student Union Building Fund—

It has been frequently mentioned in both the House and Senate that the Students had money available for the Student Union Building of approximately \$50,000.00. We found that this Fund contains \$13,149.12 and is invested as follows:

1.—

Bank Savings Account invested various deposits drawing 3% interest	\$7,884.52
Montana Power Stock	3,600.00
State Warrants Montana	1,615.64
Cash in Checking Account	48.96
	\$13,149.12

Associated Students Reserve Fund—

The next fund mentioned being the "Associated Student Reserve Fund" the source of this fund being 5% of the student activity fees, unused balance from various student activities and income investments. Invested as follows:

Bank Savings Account	\$ 58.10
Certificates of Indebtedness of "Alumni Challenge Field Corp."	2,000.00
Same	6,500.00
Same note for past due interest	1,136.58
Same Mortgage on Golf Course	9,000.00
Same note, same	4,500.00
State Warrants	2,352.13
Cash in Checking Account	442.99
	\$25,989.80
	\$25,989.80

Notation: It will be noticed that \$23,136.58 of the funds of this Student Reserve Funds consists of obligations of the Alumni Challenge Field Corporation.

Associated Student Store Fund—

The "Associated Students Store" is a corporation formed by the students. The source of this fund is from sales of the Students Store and income from investments, the total of this fund being

\$ 22,594.86

This latter fund appears to be invested in various securities as follows:

Western Montana Building & Loan stock and interest accrued on same	\$3,902.84	
Security Building & Loan Assn. Billings, stock and interest accrued	2,555.14	
The balance of the funds of the Student Stores being all invested in obligations of the Alumni Challenge Field Corporation, some of which is secured by mortgages and partly being unsecured notes aggregating	16,056.88	
	<u>\$22,514.86</u>	<u>22,514.86</u>
Grand Total.....		<u>\$61,733.78</u>

In explanation of the Student Store, we found that a corporation has been formed by the students which is called "Associated Students Store", according to articles of incorporation on file in the office of the Secretary of State; these articles being dated March 31, 1921. The purposes and objects of this corporation being: "To promote and foster the educational, intellectual, social and athletic interests of the student body and faculty of the State University of Montana. To provide text books, stationery, confectionery, and other student supplies and commodities of whatsoever kind or description at the lowest cost consistent with the welfare of the store. To distribute periodicals, student publications, tickets to athletic contests and all student social functions.

To purchase, lease, or otherwise acquire, hold or dispose of an appropriate place of business.

To borrow money, pledge credit and mortgage security to the extent necessary to the accomplishment of the aforesaid purposes.

Pecuniary profit to members shall not be an object of the Associated Student Store nor shall any dividends be distributed to members of the corporation. Any accumulation of funds over and above the needs of the store shall be paid into the general funds of the Associated Students U. S. M. to be used for furtherance of athletic and social activities among the students of the State University.

The articles of incorporation also provide that: "All regular registered students and members of the faculty of the State University of Montana shall be members of this corporation. Such membership shall terminate upon the graduation, withdrawal, resignation, expulsion, or severance of any other means of the aforesaid relationship."

In the limited time during which this investigation was conducted this committee has had no opportunity to inspect the by-laws of this corporation nor did we have the opportunity to verify the investments made by the students' organization which have been enumerated.

It seems, however, that graduates of the University are no longer members of the corporation after graduation and it would seem to be doubtful whether any graduates of the institution can still claim any interest in these funds so enumerated. It would appear that the store manager, who is not a student, but who works on a salary of liberal proportions, really dominates the business of the store and its investments. The records show that during the last fiscal year the store sustained a loss, but paid salaries of \$3,173.60.

THE ALUMNI CHALLENGE ATHLETIC FIELD CORPORATION.

This committee finds another corporation has been formed at the University, which, according to the Articles of Incorporation filed with the Secretary of State is called the "Alumni Challenge Athletic Field Corporation."

The Articles of Incorporation, having been filed January 15, 1923, set forth that the object of, or rather the purpose for which this corporation is organized shall be as follows:

1. To promote the general welfare of the State University of Montana, a public educational institution.
2. To carry on and conduct a campaign for gifts of real and personal property of all kinds, for the purpose of constructing an athletic field and buildings to be used in connection therewith at Missoula, Montana, for the benefit and welfare of the students, faculty and officers of the State University of Montana, a public educational institution; and for the purpose of carrying on such a campaign to solicit, receive, collect, and dispose of real and personal property of all kinds and for the purpose of defraying the expenses of the carrying on of such campaign to take from the corpus or income from such gifts of real or personal property such sums or sum thereof, as may be necessary to defray the expense of said campaign.
3. To solicit, receive, purchase, own, hold, pledge, sell, convey, deliver and invest and encumber gifts of real and personal property of all kinds for the objects and purposes herein set forth.
4. To transfer, convey and deliver all moneys and property of all kinds to the State of Montana, to be used for the benefit of the said University for the purpose of constructing the said athletic field and buildings to be used in connection therewith, or otherwise to manage and dispose of such moneys and property in accordance with the terms and conditions presented by the donors or grantors thereof.

The Articles provide for seven Trustees.

The membership in this corporation shall include every graduate and former student of the State University of Montana.

This committee has not had an opportunity to inspect the by-laws of this corporation.

The by-laws would probably offer a more complete explanation as to who are eligible to act or serve as Trustees. It appears, however, that the Trustees are composed of the President and Business Manager of the University and graduates of the institution.

The Articles of Incorporation do not state definitely whether payment of dues is required in order to remain a member, all of which is no doubt more fully set forth in the by-laws of the association.

PROJECTS AND LAND PURCHASES

According to reports submitted to this committee, it appears that quite an amount was obtained in the way of gifts and cash donations by the Alumni Challenge Field Corporation from members of the Alumni as well as from citizens of Missoula and that most of such funds were used by the Alumni Challenge Field Corporation in the erection of buildings on the campus and other improvements.

It appears that such corporation was interested in obtaining various properties adjacent to the University proper, as well as in other properties nearby, which it was deemed advisable for the University to have under control and among the various properties, so acquired by the Alumni Challenge Field Corporation being the following:

- Project No. 1. "Athletic Field."
 No. 2. East John Street.
 No. 3. Nursery.
 No. 4. Golf Course.
 No. 5. Harkins Lots on University Avenue.
 No. 6. Westby Tract Forestry Nursery.
 No. 7. Lots on University Avenue in Hammond Block.

It appears that the title to these various properties, with the exception of the Athletic Field, rests in the name of the Alumni Challenge Field Corporation. (The limited time allotted to us did not permit verifying this.)

The Business Manager, as well as others connected with the administration of affairs of the Alumni Corporation, assured this committee that such was the case and from the same source the information was obtained that obligations were executed by the Alumni Corporation in the way of notes and mortgages on such property for funds so obtained from the several students' organizations as follows:

Statements submitted show that the Alumni Corporation is indebted to the Associated Students' Reserve Fund in the amount of	\$23,136.58
To the Associated Students' Store in the amount of.....	16,136.88
Total.....	<u>\$39,273.46</u>

As above mentioned some of these obligations consist of mortgages on the various properties and plain notes for money borrowed from the Associated Students' Reserve Fund and partly to the Associated Students' Store. Time did not permit inspection of the various tracts of land owned by the Alumni Challenge Field Corporation to which title is said to be held by such corporation nor did we have opportunity to inspect the notes and mortgages so executed by the Field Corporation. Inasmuch as the "Associated Students' Store" is a corporation such obligations could, no doubt, give legal obligations to the Store Corporation. This committee was informed that some of the obligations were given to Associated Students' Reserve Fund while in one case an obligation secured by mortgage on one of the projects was made payable to Associated Students and partly to the Associated Student Store. We were informed that in some cases such obligations were made payable to a Trustee acting in behalf of the Associated Students, which association has not legal existence.

It does appear that the Business Administration of the Associated Students, as well as that of the Associated Students' Store, the concerns which furnished the funds to the Alumni Challenge Field Corporation, is practically the same as the Business Management of the Alumni Challenge Field Corporation, which latter corporation is the borrower; and it seems to have been acting in both capacities as loaning the funds and also in borrowing the same.

It was stated that students were represented on the Central Boards, the members of such boards being selected by the students, but it appeared from statements made by the Business Administration, as well as by students, who are members at this time of such Central Boards, or who have been members of such board in former years, that the students have little or no knowledge of the investment of students' funds. Even students who apparently held positions, such as Assistant Auditors, who might be expected to be familiar with the status of various funds, seemed to be almost completely ignorant of the affairs of the organization. Some of these admitted that at times it had been mentioned by the Business Administration that certain investments would be advisable to make and that consent was to be given by the student members of the Central Board. It appears that such consent was given by the members of such Central Board without further argument and it apparently was taken for granted that suggestions as to investments of funds to be furnished to the Alumni Challenge Field Corporation should be followed.

In other words, while such business transactions in behalf of the students and pertaining to students' funds and the conduct of the Students' Store offered a splendid opportunity to give students training in business methods, and to have a part in their own affairs, this opportunity was overlooked by President, Business Manager and members of the faculty who dominated the Student Fund transactions, who acted apparently in the capacity of loaner of funds, as well as in the capacity of borrowers.

Your committee feels that such practices and failure to offer the students an opportunity to have a leading part in their own affairs and to become familiar with proper business training deserves criticism. To follow such methods gives rise to doubt among the students as to the methods followed in administering such funds, and a lack of interest in the students' business affairs in general.

It appears that the fact that the Business Manager and Registrar, because of his many diversified duties, is unable to come in contact with the students and meet them in a friendly spirit, has caused the student body to lose confidence in his real interest in them and has brought harm to the students' loyalty to the University. In fact it would appear to your committee, from the testimony of practically every graduate and student who were heard, that one of the greatest needs of the University is a personnel officer in the business office, who will advise with the students regarding their business, social and educational activities in a sympathetic and helpful manner. We are convinced that with such an officer much of the criticism regarding the lack of concern in the students' welfare by the University management would be removed.

In general we found an unwarranted domination by the faculty, officers and certain paid full-time employees of the school over the student organization in the matter of the use of their funds. This is probably developed to some extent through a lack of interest and the absence of a desire for responsibility on the part of the students themselves, but it was clearly shown by the testimony of both student and faculty that the business of the students' activities has been loosely carried on, especially pertaining to investments. We have not found any dishonest or criminal misuse of the students' money, but the methods of investment and care of the funds are not to be commended.

It is unfortunate to find such a division of interests on the part of various factions in the city of Missoula regarding the University. We feel that the people of Missoula, having received such wonderful educational benefits because of the location of the school there and the natural recipients of large financial gains and business advantages as a result of being the home of an institution with sixteen hundred students, should be more appreciative of the University and permit it to develop as a state-wide University and not claim it as a local institution of learning.

The Student Store is a corporation organized for the benefit of the students, existing for ten years. It has seemingly been pretty well dominated by the manager, who is not a student, but a salaried officer of the school, paid out of the profits of the store. We would think that this work could be done by the students themselves. Surely, students attending such an institution as this should be perfectly capable of handling their own affairs at all times.

On Sunday, for several hours, your committee received the testimony of fourteen or fifteen young men and women who had been students or were at the present time students of the University. After the testimony was taken from the students, also from the President and the Business Manager of the University, a general discussion of the many problems that confronted the administrative force was permitted. We feel that in the end the greatest good that will probably come from this investigation, will come from the fact that for the first time in many years the administration force and the students themselves indulged in the opportunity to discuss their problems freely with one another with a third body present to act as referee. We feel that students and the administration force left our committee room with a better feeling toward one another and with a better understanding as to the problems of both.

There was one situation, however, that was brought to our attention that we feel we should mention. Testimony revealed that certain numbers of the students going to the school were found to be without funds for food and they were required to make application to the relief boards

in that town that they might live and attend school. It seems to your committee that one of the principal uses of student funds should be to build up a Student Aid and Relief Fund in order that every student be provided with the necessities of life while attending school.

Finally, your committee recommends that the matters brought out in this report be referred to the management of the University and to the State Board of Education with the suggestions:

First: That the students be encouraged to organize in a more effectual way and to have a larger voice in the transaction of the business of their various activities, especially the matter of the expenditure and investment of their own funds. With the erection of the Student Union building with the management involved in conducting same, a well defined student organization is imperative.

Second: That the purchase of property adjoining the campus by various student alumni and faculty organizations through the use of the student funds with the expectation that the state will eventually acquire such property by purchase and the money be returned to the student funds from which borrowed, although commendable in spirit, is not policy conducive of best business methods, or to be favored by the Legislative Assembly.

Third: That all business transactions by the student organization, alumni associations, or faculty groups, involving students funds; the purchase of land for the University use or the investments of funds be reported in detail to the State Board of Education for their approval and to the State Accountant in order that the information may be had at all times by those interested.

We wish to commend the administrators and also the students for the honest, fearless testimonies they gave, and we feel complimented in the fact that they took us into their confidential affairs so sincerely.

We hereby present this report and bring it to a conclusion for the consideration of the Senate.

Respectfully submitted,

THIEN, Chairman,
BURR,
EATON.

Moved by Senator Thien, duly seconded and carried that the foregoing committee report be accepted and filed with the Secretary of the Senate.

The President signed in open session: House Bill No. 6, House Bill No. 71, Substitute for House Bill No. 5.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

January 12, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day made and, upon motion, adopted:

Committee on Enrolling: H. B. No. 44, H. B. No. 57, H. B. No. 78, H. B. No. 62, Sub. H. B. No. 67, H. B. No. 1, reported correctly enrolled.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 12, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Speaker this day signed the following:

House Bills 44, 57, 78, 62, 1; and Sub. H. B. No. 67.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 12, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following were this day read third time, title and history agreed to and concurred in: and the same are returned herewith to the Senate.

S. J. M. No. 6.

S. J. M. No. 7.

S. B. No. 3.

S. A. H. B. No. 65.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 12, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day taken from General Orders and re-referred to Committee on State Lands: S. B. No. 8.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Moved by Senator Burr, duly seconded and carried, that the report of the Special Committee, appointed to investigate the investments of student funds at the Montana State University, be mimeographed and placed on the desks of the members of the Senate.

Moved by Senator Husband that this Senate now reconsider its action of yesterday on the motion by the Senator from Prairie by which it failed to confirm the nomination or appointment of Mr. Kelly as Commissioner of Agriculture; motion duly seconded and lost by the following vote:

Ayes: Campbell, Church, Clifford, Coburn, Corwin, Delaney, Duncan, Galt, Harris, Himsl, Holt, Husband, Kane, Keeley, Kemmis, Larson, Melton, Page, Pauline, Plumer, Reed, Rowland, Ruffcorn, Wheeler, Willis. Total 25.

Noes: Angvick, Armstrong, Burr, Carroll, Clarke, Danielsen, Donovan, Eaton, Ekegren, Garber, Hennessy, Holton, Jergensen, Kalberg, Kaulbach, Kelsey, Kilduff, Lamp, Murphy, Plank, Putnam, Sparling, Staggs, Thien, Walker, Wass. Total 26.

Paired: Carey with Simmons, Cooper with MacGilvra. Total 4.

Passed: Parkin.

Absent and not voting: None.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:52 a. m., until 2:00 p. m.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:00 p. m.
President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF SELECT COMMITTEES

The following Joint Conference Committee report was submitted:

We, your Conference Committee, having had under consideration House Bill No. 80, respectfully report as follows: That the Senate recedes from its amendment to Section 1, in line 6, striking out the words and figures, "Twelve Thousand Dollars (\$12,000.00)", and that the words and figures, "Fifteen Thousand One Hundred Dollars (\$15,100.00)" be substituted therefor.

That the Senate also recedes from its amendment in Section 1, line 5, striking out the words and figures, "Six Thousand Dollars (\$6,000.00)", and substituting in lieu thereof the words and figures, "Eight Thousand Dollars (\$8,000.00)".

And that the House accedes to the Senate amendment in lines 11 and 12, printed bill, by accepting the amount of \$4,500.00 instead of \$9,500.00.

And as so amended, recommend that the same be concurred in.

STAGGS,
DONOVAN,
THIEN,

For the Senate.

SHANNON,
LOGAN,
NELSTEAD,

For the House.

Moved by Senator Staggs that the foregoing Joint Conference Committee report be adopted; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Clifford, Corwin, Daniels, Delaney, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Holt, Holton, Husband, Jergensen, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Ruffcorn, Simmons, Sparling, Staggs, Wass, Wheeler, Willis. Total 45.

Noes: None.

Absent and not voting: Church, Clarke, Coburn, Cooper, Donovan, Duncan, Himsl, Kalberg, Rowland, Thien, Walker. Total 11.

The following majority Joint Conference report was submitted:

Mr. President: We, the majority of your Conference Committee, having had under consideration House Bill No. 51, wish to report that we concur to all Senate amendments.

COBURN,
CHURCH,
LARSON,

For the Senate.

MASON,
WATSON, (Meagher),

For the House.

Moved by Senator Larson that the foregoing majority report of the Joint Conference Committee on House Bill No. 51 be adopted: Motion duly seconded.

Moved by Senator Keeley that the majority report of the Joint Conference Committee be laid on the table; motion duly seconded.

Senator Kane rose to a point of order stating that the Senate can not table a Joint Conference Committee report; and therefore, the motion by Senator Keeley is out of order. The President sustained the point of order taken by Senator Kane.

Action was thereupon had on the motion by Senator Larson that the majority report of the Joint Conference Committee on House Bill No. 51 be adopted; which motion was carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Corwin, Danielsen, Delaney, Donovan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGivra, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Sparling, Staggs, Wass, Wheeler, Willis. Total 45.

Noes: Keeley, Melton, Simmons. Total 3.

Paired: Ruffcorn with Walker. Total 2.

Absent and not voting: Coburn, Cooper, Duncan, Himsl, Rowland, Thien. Total 6.

The President signed in open session: House Bill No. 65, House Bill No. 80.

Upon motion of Senator Church, duly seconded and carried, the Senate recessed at 2:28 p. m., until 4:00 p. m.

Pursuant to recess, the Senate reconvened at 4:00 p. m.

President presiding.

REPORTS OF SELECT COMMITTEES

The following Joint Conference Committee report was submitted:

Mr. President: We, your Conference Committee appointed to act with a like committee from the House to consider House Bill No. 42 beg leave to report and recommend as follows:

That the Senate recede from the following title amendment: "Amend in the title by inserting after the word "buildings" the words "at Great Falls, Montana" and by striking out in line 3, printed bill the words "at Boulder, Montana."

And by striking out lines 1, 2 and 3 "An Act authorizing the construction of a building or buildings for the Montana School for Deaf and Blind" and inserting in lieu thereof the following: "An Act to authorize the construction of a building or buildings at Great Falls, Montana for the Deaf and Dumb Asylum, otherwise named by the statute the Montana School for Deaf and Blind and to construct, remodel and repair buildings of the present institution."

The Senate recedes from the amendment in Section 2 which reads as follows: "Amend in Section 2 by inserting after the word "buildings" in line 4, printed bill the following: "and remodeling, and repairing the buildings now occupied by the Deaf and Blind at Boulder, Montana" and inserting in lieu thereof the following "Amend Section 2 by inserting after the word "buildings" in line 4, page 2 "and constructing, remodeling and repairing the buildings now occupied by the Deaf and Blind at Boulder,

Montana. From the funds or proceeds received from the sale of said bonds \$175,000.00 thereof shall be expended in the construction of new buildings at Great Falls, Montana, and \$50,000.00 shall be expended in construction, remodeling and repairing buildings at Boulder, Montana.

If the return from bonds sold are less than \$225,000.00 the proceeds shall be used at Great Falls and Boulder in the same proportion as described in the last sentence.

PILGERAM,
BYRNE,
KNOWLES,

For the House.

ARMSTRONG,
CORWIN,
JERGENSEN,

For the Senate.

Moved by Senator Corwin that the foregoing Joint Conference Committee report be adopted; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Eaton, Galt, Garber, Harris, Hennessy, Himsl, Holt, Husband, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Simmons, Sparling, Staggs, Wass, Wheeler, Willis. Total 46.

Noes: Carroll, Holton. Total 2.

Paired: Ruffcorn with Walker. Total 2.

Absent and not voting: Donovan, Duncan, Ekegren, Jergensen, Kemmis, Thien. Total 6.

At 4:07 p. m., Senator Kane moved that the Senate adjourn until 1:00 p. m., Sunday, January 14, 1934; motion duly seconded.

As an amendment to the motion by Senator Kane, Senator Church moved that the Senate adjourn until 11:00 a. m., Monday, January 15, 1934; motion to amend duly seconded and lost.

Action was thereupon had on the motion by Senator Kane which motion was carried; and the Senate adjourned at 4:10 p. m., until 1:00 p. m., Sunday, January 14, 1934.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

FORTY-NINTH DAY

Helena, Montana. January 14, 1934.

Senate convened at 1:00 p. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present, except: Donovan, Jergensen, Walker, excused. MacGilvra, absent.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Forty-eighth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on Enrolled Bills submitted the following report:

Mr. President: We, your Committee on Enrolled Bills, to whom was referred Senate Bill No. 3 and Senate Joint Memorials No. 6 and 7, beg leave to report same back correctly enrolled and duly verified.

CLARKE, Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

January 13, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read third time, title and history agreed to, and concurred in as amended and the bill is herewith returned to the Senate.

S. B. No. 8.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Moved by Senator Larson, duly seconded and carried, that consideration of House Amendments to Senate Bill No. 8 be passed temporarily.

January 13, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee reports were this day made and, upon motion, adopted:

Committee on State Lands: S. B. No. 8, be concurred in as amended.

Committee on Enrolling: Sub. H. B. No. 5; H. B. No. 46; H. B. No. 71 and Sub. H. B. No. 6, reported correctly enrolled.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 13, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following Standing Committee report was this day made and, upon motion, adopted:

Committee on Enrolling: Sub. H. B. No. 30, H. B. No. 65, and H. B. No. 80, reported correctly enrolled.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 13, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Committee of the Whole House, having had under consideration business on General Orders, do report that we recommend:

S. B. No. 8, be concurred in.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 13, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon adoption of the Rules Committee report, S. B. No. 24 was this day introduced and referred to Committee on Revenue and Taxation.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 13, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that House Bill No. 81 was this day introduced without previous notice by unanimous consent; read first and second time; referred to Committee on Petroleum, Oil and Gas. Committee reported that same do pass; report adopted and, upon motion, considered correctly printed and placed on General Orders. Recommended favorable by Committee of the Whole; report adopted. Upon motion considered correctly engrossed and placed on Third Reading. Read three several times, history and title agreed to, passed, and the bill is herewith transmitted to the Senate for its concurrence:

House Bill No. 81. Introduced by Byrne. A bill for an Act entitled: "An Act to prohibit and prevent the waste of natural gas in the State of Montana and vesting in the Oil Conservation Board of the State of Montana, general control, regulation and supervision of the production and transportation of natural gas."

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 13, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Speaker this day signed the following:

H. B. No. 65 and H. B. No. 80.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 13, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following new Conference Committee was this day appointed on House Bill No. 51, and a new Conference Committee is requested from the Senate:

Somerville, Abrahamson, Watson (Meagher).

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Moved by Senator Kane, duly seconded and carried, that the President appoint a committee of three members to confer with a like committee from the House to consider Senate amendments to House Bill No. 51.

The President signed in open session: Senate Bill No. 3, Senate Joint Memorial No. 6, Senate Joint Memorial No. 7.

The President thereupon appointed the following as Senate members of the committee to confer with a like committee from the House to consider Senate amendments to House Bill No. 51: Senators Rowland, Plank, Galt.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 1:19 p. m., until 3:30 p. m.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 3:30 p. m.
President presiding.

Moved by Senator Ruffcorn, duly seconded and carried, that the Senate do not concur in House amendments to Senate Bill No. 8, and that a conference committee be requested.

The President appointed the following as Senate members to confer with a like committee from the House to consider House amendments to Senate Bill No. 8: Senators Ruffcorn, Burr, Holton.

INTRODUCTION OF BILLS

Upon motion of Senator Kane, duly seconded and unanimously carried, the rules were suspended for the purpose only of admitting House Bill No. 81 in the Senate; which said H. B. No. 81 was introduced, read first and second times, and referred:

H. B. No. 81, introduced by Byrne: A bill for an Act entitled: "An Act to prohibit and prevent the waste of natural gas in the State of Montana and vesting in the Oil Conservation Board of the State of Montana general control, regulation and supervision of the production and transportation of natural gas." Referred to Committee on Oil and Leases.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 3:45 P. M., until 10:00 A. M., Monday, January 15, 1934.

C. J. McALLISTER, Secretary. R. PAULINE, President of the Senate.

FIFTIETH DAY

Helena, Montana, January 15, 1934.

Senate convened at 10:00 A. M.
President presiding.
Prayer by the Chaplain.
Roll call. All members were present.
Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Forty-ninth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF SELECT COMMITTEES

The following majority report of the Joint Revenue Committee was submitted:

REPORT JOINT REVENUE COMMITTEES

Mr. President,
Mr. Speaker.

We, your joint committee, composed of the members of the Taxation Committee of the Senate and the Revenue and Taxation Committee of the House, appointed for the purpose of ascertaining the amount of money required for relief and to compromise the differences between the House and the Senate on revenue measures so as to provide the amounts necessary for relief, beg leave to report as follows:

At the first meeting of the joint committee the following motion was made by Mr. Besancon, duly seconded and carried:

"That the proceeds of the Liquor Bill (Senate Bill No. 24) be allocated as follows: One-half to the General Fund of the state and one-half to the Poor Funds of the counties to be based on the population for one year and thereafter one half to the General Funds of the counties and one-half to the General Fund of the state."

At the same meeting the following motion by Senator Sparling was made, duly seconded and carried:

"That as a basis for compromise between the House and Senate, it is the sense of this meeting that the Natural Gas tax be fixed at 5-8 of one cent per one thousand cubic feet and the Hydro-Electric tax at 3-4 of one per cent of the gross proceeds and that the contractors tax at one-half of one per cent and the Corporation License tax at 3 per cent of the net proceeds and that the Cigarette tax bill, which was passed by the House be concurred in by the Senate."

Explanation of the purport of the above motion:

In the case of the Natural Gas tax, the Electric tax, the Contractors tax and the Corporation License tax it is a fifty-fifty compromise between the House and the Senate; in other words, if the bills are passed in accordance with the above motion, the House will meet the Senate half way.

Likewise at this meeting a motion was made, seconded and carried that a sub-committee of seven be appointed and to be composed of the chairmen, respectively, of the Taxation Committee of the Senate and the Revenue and Taxation Committee of the House and two other members each from the above committees and one additional member all to be selected by the respective chairmen for the purpose of computing the anticipated revenues of the various measures referred to in Senator Sparling's motion, to allocate these revenues and to make any other suggestions deemed advisable.

In accordance with this motion, the sub-committee was selected as follows: Speaker Dellwo, Senators Ruffcorn, Sparling and Page and Representatives Rognlien, Metlen and Fowler. After duly considering these matters in question, this sub-committee of seven made its report to the joint committee as follows:

"Mr. Chairman: I move that the figures for the various tax measures as arrived at by this sub-committee incorporated into a scheduled report by Mr. Ruffcorn and Mr. Rognlien and that this scheduled report so drawn be presented by this sub-committee to the joint committees of the House and Senate with the recommendation that the program so drawn be considered for acceptance and passage by the Legislature."

Signed:

WM. RUFFCORN,
J. T. SPARLING,
J. R. PAGE,
DELLWO,
ROGNLIEN,
FOWLER,
METLEN.

The schedule referred to accompanied the report, a summary of which is as follows:

The total new revenue as passed by the Senate to the credit of the General Fund amounts to \$134,900.

The appropriation made by this Extraordinary Session from the General Fund, not including the appropriation of \$100,000 made on behalf of the Liquor Control Board, amounts to \$298,562, making an overdraft of \$163,662.

The total amount of the anticipated funds from revenue measures as passed by the Senate to be credited to the Emergency Relief Fund amounts to \$439,300.

The total amount of revenue to be credited to the Emergency Relief Fund under the compromise agreement referred to above is \$776,550, or approximately what the government requires.

It will be seen from the above that as the bills passed the Senate there is a shortage of \$310,700 to meet the requirements of the government which is \$750,000.

After fully discussing the report of the sub-committee, it was moved and seconded that the report be adopted. Motion carried by a majority of the members present.

Respectfully submitted,

W. M. RUFFCORN,
Chairman, Taxation Committee of
the Senate.

ROGNLIEN,
Chairman, Revenue and Taxation
Committee of the House.

Moved by Senator Ruffcorn that the foregoing majority report be adopted; motion duly seconded.

Consideration of the foregoing majority report of the Joint Revenue Committee was temporarily deferred.

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

January 14th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Speaker this day signed the following:

S. J. M. No. 6; S. J. M. No. 7; and S. B. No. 3.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 10:14 A. M., until 11:00 A. M.

Pursuant to recess, the Senate reconvened at 11:00 A. M.
President presiding.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:01 A. M., until 11:30 A. M.

Pursuant to recess, the Senate reconvened at 11:30 A. M.
President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Oil and Leases submitted the following report:

Mr. President: We, your Committee on Oil and Leases, having had under consideration House Bill No. 81, respectfully report as follows: That House Bill No. 81 be not concurred in.

HOLTON, Vice-Chairman.

Report adopted.

REPORTS OF SELECT COMMITTEES

Action thereupon reverted to the motion by Senator Ruffcorn that the majority report of the Joint Revenue Committee be adopted; which motion had been duly seconded.

The following minority report of the Joint Revenue Committee was submitted:

Mr. President,

We, the undersigned, representing the minority of the joint meeting of the Taxation Committee of the Senate and of the Revenue and Taxation Committee of the House, beg leave to make the following report:

That the Chairman of the Taxation Committee of the Senate and the Chairman of the Revenue and Taxation Committee of the House presented at the joint meeting a tabulation showing their estimates of revenue from the various taxation measures now before the Legislature, together with the allocation from such revenue measures to the Emergency Relief Fund showing a total of \$439,300. That upon the basis of the said sum of \$439,300 so allocated, Director T. C. Spaulding of the Federal Emergency Relief Administration for Montana, who was requested to attend said meeting, stated that in the event the revenue measures, as now amended by the Senate and pending before the Legislature were passed and that Senate Bill No. 24 became a law so that 50% of the net profits from the liquor stores would be paid into the Emergency Relief Fund, that there would be ample money for this fund, and that he would certify to the Emergency Relief authorities at Washington that Montana had fulfilled her responsibility to the Federal Government in raising money for relief.

It is the conclusion of the minority of the committee that the estimates now made by the chairman of the Taxation Committee of the Senate and the chairman of the Revenue and Taxation Committee of the House from the revenue bills now pending before this Special Session are too low; and that the amount shown on the tabulation as presented to the committee for the Emergency Relief Fund in the sum of \$439,300 is an absolute minimum, and that the net profits to be derived from the State Liquor Store when allocated, as provided by Senate Bill No. 24, taken in conjunction with the sum of \$439,300 will be ample revenue for the Emergency Relief Fund, and that no further revenue will be needed.

GALT,
PAGE,
GARBER,
COOPER,

For the Senate.

L. E. LARSEN,
METLEN,
SOMERVILLE,
SHANNON,
NELSTEAD,
DORAN,
WAITE,

For the House.

As a substitute motion to the motion by Senator Ruffcorn, Senator Galt moved that the foregoing minority report of the Joint Revenue Committee be adopted; substitute motion duly seconded and carried by the following vote:

Ayes: Burr, Campbell, Carey, Church, Coburn, Cooper, Corwin, Daniels, Delaney, Duncan, Eaton, Galt, Garber, Harris, Hennessy, Himsl, Holt, Husband, Keeley, Kemmis, Kilduff, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Reed, Rowland, Simmons, Thien, Walker, Wass, Wheeler, Willis. Total 36.

Noes: Angvick, Armstrong, Carroll, Clarke, Clifford, Ekegren, Holton, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Lamp, Plank, Plumer, Putnam, Ruffcorn, Sparling, Staggs. Total 19.

Absent and not voting: Donovan.

MOTIONS AND RESOLUTIONS

The following resolution was submitted:

SENATE RESOLUTION

WHEREAS, a Regional Conference of eleven Western states will be held in Salt Lake City, in the State of Utah, during the month of June, 1934, for the purpose of adopting uniform motor vehicle laws of registration for the various Western states; and

WHEREAS, some representative of the Montana Vehicle Department should officially attend said meeting to the end that uniform laws pertaining to the registration of motor vehicles may be more fully accomplished;

NOW, THEREFORE, BE IT RESOLVED by the Senate of the State of Montana that his Excellency, the Governor of Montana, appoint and designate the Registrar of the Montana Vehicle Department as the official representative of such department to attend said meeting.

SENATE COMMITTEE ON ROADS AND HIGHWAYS.

By HUSBAND, Chairman.

Upon motion of Senator Husband, duly seconded and carried, the foregoing resolution was adopted.

With unanimous consent, the Senate reverted to:

REPORTS OF SELECT COMMITTEES

The following Joint Conference Committee report was submitted:

Mr. President: We, your Conference Committee, appointed to confer with a like committee from the House on Senate amendments to House Bill No. 51, respectfully report as follows:

The House concurs in the Senate amendments to said House Bill No. 51.

ROWLAND,
PLANK,
GALT,

For the Senate.

SOMERVILLE,
ABRAHAMSON,
WATSON (Missoula),

For the House.

Upon motion of Senator Rowland, duly seconded and carried, the foregoing Joint Conference Committee report was adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 1:08 P. M., until 2:30 P. M.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 2:30 P. M.

Senator Larson presiding.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 2:32 P. M., until 4:00 P. M.

Pursuant to recess, the Senate reconvened at 4:00 P. M.

President presiding.

The President signed in open Session: House Bill No. 46; Substitute House Bill No. 30.

REPORTS OF SELECT COMMITTEES

The following Joint Conference Committee report was submitted:

Mr. President, Mr. Speaker: We, your Conference Committee, recommend that all Senate amendments to House Bill No. 42 be acceded to with the exception of those specifically set forth in the Conference Committee report heretofore adopted by the House and Senate.

JERGENSEN,
ARMSTRONG,
CORWIN,

For the Senate.

PILGERAM,
BYRNE,
KNOWLES,

For the House.

Moved by Senator Corwin that the foregoing Joint Conference Committee report be adopted; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Harris, Himsl, Holt, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Murphy, Page, Parkin, Pauline, Plank, Putnam, Reed, Rowland, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 48.

Noes: Plumer.

Absent and not voting: Burr, Galt, Garber, Hennessy, Holton, Melton, Ruffcorn. Total 7.

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

January 15, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that it was moved by Besancon, duly seconded and carried, that the House Revenue and Taxation Committee be directed to continue their efforts in meeting the Senate Taxation Committee and in trying to reach a compromise between the House and Senate on revenue measures.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 4:08 P. M., until 4:30 P. M.

Pursuant to recess, the Senate reconvened at 4:30 P. M.
President presiding.

Moved by Senator Kane, duly seconded and carried, that the Committee on Taxation of the Senate and the Chairman of the Committee on Finance and Claims of the Senate be requested to continue to confer with the Committee appointed by the House.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 4:32 P. M., until 11:00 A. M., Tuesday, January 16, 1934.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

FIFTY-FIRST DAY

Helena, Montana, January 16, 1934.

Senate convened at 11:00 A. M.
President presiding.
Prayer by the Chaplain.
Roll call. All members were present.
Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Fiftieth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

January 15, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the House this day adopted the majority report of the joint meeting of the Taxation Committee of the Senate and of the Revenue and Taxation Committee of the House.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 15, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Speaker this day signed Substitute House Bill No. 30.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 15, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the Chief Clerk has this day been instructed to deliver House Bill No. 46 to the Senate for signature of the President.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 15, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that Conference Committee report on House Bill No. 51, postponed until January 16th, 1934.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 15, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that in compliance with the request from the Senate, the House this day appointed Holecek, Waite and Nelstead to act as a Conference Committee on House amendments to Senate Bill No. 8.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

With unanimous consent, the following joint memorial was introduced without previous notice having been given, read first and second times, and referred:

S. J. M. No. 8, introduced by Jergensen, Duncan, Walker, Murphy, Eaton, Parkin: "A memorial to Congress, the Secretary of the Interior and the Director of Civil Works, requesting aid in the construction of a highway to the Lewis and Clark Caverns and the improvement of this National Monument." Referred to Committee on Federal Relations.

With unanimous consent, the Senate reverted to:

REPORTS OF SELECT COMMITTEES

The following Joint Conference Committee report was submitted:

Mr. President: We, your Conference Committee, appointed to act with with a like Committee from the House, for the consideration of House amendments to Senate Bill No. 8, beg leave to report as follows:

That the Senate accedes to the House amendments.

RUFFCORN,
HOLTON,
BURR,

For the Senate.

HOLECEK,
WAITE,
NELSTEAD,

For the House.

Moved by Senator Ruffcorn that the foregoing Joint Conference Committee report be adopted; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Clarke, Clifford, Coburn, Corwin, Danielsen, Delaney, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 53.

Noes: None.

Absent and not voting: Church, Cooper, Donovan. Total 3.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:15 a. m., until 11:30 a. m.

Pursuant to recess, the Senate reconvened at 11:30 a. m.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Federal Relations submitted the following report:

Mr. President: We, your Committee on Federal Relations, having had under consideration Senate Joint Memorial No. 8, respectfully report as follows: That S. J. M. No. 8 be amended as follows: That on page two line 23 after the words "the director of" the word "public" be stricken out and the word "civil" be inserted in lieu thereof, and that the Memorial as so amended do pass.

EKEGREN, Chairman.

Report adopted.

Moved by Senator Kane, duly seconded and unanimously carried, that Senate Joint Memorial No. 8 be considered correctly printed and placed on General File.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

January 16, 1934.

The President of the Senate,
Senate Chamber,
Helena, Montana.

I hereby nominate and by and with the consent of the Senate do appoint Robert J. Kelly of Conrad, Pondera County, to Commissioner of Agriculture of the State of Montana, for the term ending April 1, 1937.

F. H. COONEY, Governor.

Moved by Senator Kane, duly seconded and carried, that consideration of the foregoing communication from the Governor be made a special order of business for Wednesday, January 17th, at 11:15 a. m.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Ekegren in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That S. J. M. No. 8 do pass.

EKEGREN, Chairman.

Upon motion of Senator Ekegren, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Moved by Senator Kane, duly seconded and unanimously carried, that Senate Joint Memorial No. 8 be considered correctly engrossed and placed on Third Reading of Bills.

THIRD READING OF BILLS

S. J. M. No. 8, having been read at length three several times, was passed by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGivra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 54.

Noes: None.

Absent and not voting: Church, Holt.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed 11:43 a. m., until 1:30 p. m.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 1:30 p. m.

President presiding.

REPORTS OF SELECT COMMITTEES

The following Joint Conference Committee report was submitted:

Mr. President:

Mr. Speaker: We, your Conference Committee, appointed to consider Senate amendments to House Bill No. 28, beg leave to report as follows:

We agree to all Senate amendments save and except Senate amendment as follows:

Amend in Section 1 by striking out of the engrossed bill the words "one cent" and inserting in lieu thereof the words "one-quarter of one cent."

To this the Senate recedes and we agree that this amendment read as follows:

Amend in Section 1 by striking out of the engrossed bill the words "one cent" and inserting in lieu thereof the words "three-eighths of one cent."

Respectfully submitted,

HIMSL,
EATON,
HOLT.

For the Senate.

BREITENSTEIN,
BESANCON,
WATSON (of Meagher).

For the House.

Moved by Senator Himsl that the foregoing Joint Conference Committee report be adopted; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Larson, MacGilvra, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 53.

Noes: Garber, Keeley, Melton.

Absent and not voting: None.

The President signed in open session: House Bill No. 42.

The Special Joint Committee on Revenue submitted the following report:

Mr. President, Mr. Speaker: We, your Committee on Taxation of the Senate and the Committee on Revenue and Taxation of the House, meeting in joint session for the consideration of various revenue measures, beg leave to report as follows:

That House Bill No. 28, Natural Gas Tax Bill, be amended to read $\frac{3}{8}$ of 1c per thousand cubic feet.

That House Bill No. 12, Electric Tax Bill, be amended to read $\frac{5}{8}$ of 1%.

That House Bill No. 63, Cigarette Tax Bill, be taken up by the Senate for acceptance and passage at 1c per package, the entire revenue to be derived therefrom to be placed to the Emergency Relief Fund for the period of one year, and this law shall be in effect for one year only.

That Senate Bill No. 24, Reallocation of Proceeds from Liquor Control Bill, be amended to the effect that no part of the net revenues arising from the sale of liquor shall be distributed until all stores which can legally be established shall have been established and the administration expenses shall have been paid, and that when so established, the funds shall be allocated, 50% to the Emergency Relief Fund and 50% to the General Fund to February 1st, 1935, and thereafter to be allocated, 50% to the General Fund and 50% to the counties in proportion to population.

Respectfully submitted,

W. M. RUFFCORN, Chairman,
Taxation Committee of the Senate.

I. D. ROGNLIEN, Chairman,
Revenue and Taxation Committee
of the House.

Moved by Senator Ruffcorn that the foregoing report be filed; motion duly seconded.

Senator Keeley rose to a point of order stating that anything in reference to the cigarette tax bill is entirely out of order; that the Senate refused to accept this bill more than a month ago; and to bring it back now is entirely out of order unless the rules are suspended to do so. The President sustained the point of order taken by Senator Keeley.

Action was thereupon had on the motion by Senator Ruffcorn that the report of the Special Committee on Revenues be filed; which motion was carried.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 1:48 p. m., until 2:30 p. m.

Pursuant to recess, the Senate reconvened at 2:30 p. m.

President presiding.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 2:31 p. m., until 3:30 p. m.

Pursuant to recess, the Senate reconvened at 3:30 p. m.

President presiding.

REPORTS OF STANDING COMMITTEES

The Committee on Enrolled Bills submitted the following report:

Mr. President: We, your Committee on Enrolled bills, to whom was referred Senate Bill No. 8, beg leave to report same back correctly enrolled and duly verified.

Report adopted.

CLARKE, Chairman.

The President signed in open Session: Senate Bill No. 8.

REPORTS OF SELECT COMMITTEES

The following Joint Conference Committee report was submitted:

Mr. President: We, your Conference Committee, for consideration of Senate amendments to House Bill No. 12, respectfully recommend that the Senate amendment to Section 1, lines 13 and 14, engrossed bill, which reads "one-half of one per cent ($\frac{1}{2}$ of 1%)," be stricken out and that there be inserted in lieu of said Senate amendment the following: "five-eighths of one per cent ($\frac{5}{8}$ of 1%)."

All other Senate amendments be concurred in.

COBURN,
REED,
MELTON,

For the Senate.

FREUDENSTEIN,
HARLEN,
ROLL,

For the House.

Moved by Senator Coburn that the foregoing Joint Conference Committee report be adopted; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Larson, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Staggs, Thien, Walker, Wass, Wheeler, Willis. Total 52.

Noes: Garber.

Absent and not voting: Keeley, MacGilvra, Sparling. Total 3.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

The President of the Senate,
Senate Chamber,
Helena.

January 16, 1934.

I have the honor to advise you that I have this day approved the following measures:

S. B. No. 3—Relating to writs of attachment against certain wages and earnings.

S. J. M. No. 6—Relating to a memorial to the late Charles M. Russell.

S. J. M. No. 7—Relating to a grant of lands for public buildings at the Capital of the state.

F. H. COONEY,
Governor.

MOTIONS AND RESOLUTIONS

Moved by Senator Kelsey that Joint Rule No. 23 be suspended; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Clarke, Clifford, Coburn, Cooper, Corwin, Danielson, Donovan, Duncan, Eaton, Ekegren, Galt, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, MacGilvra, Murphy, Parkin, Pauline, Plank, Plumer, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler. Total 46.

Noes: Church, Delaney, Garber, Larson, Melton, Putnam, Reed, Willis. Total 8.

Absent and not voting: Keeley, Page.

Moved by Senator Kelsey, duly seconded and carried, that House Bill No. 63 be admitted to the Senate.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 3:42 P. M., until 4:00 P. M.

Pursuant to recess, the Senate reconvened at 4:00 P. M.

President presiding.

With unanimous consent, the Senate reverted to:

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

December 22, 1933.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following bill was this day read three several times, title and history agreed to, passed, and the bill is herewith transmitted to the Senate for its concurrence:

H. B. No. 63.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

On motion Joint Rule No. 23 was suspended, and the following bill was introduced, read first and second times, and referred:

H. B. No. 63, introduced by Committee on Revenue and Taxation: A bill for an Act entitled: "An Act relating to the sale of cigarettes, and cigarette papers, and wrappers, and papers used and prepared for the making of cigarettes and imposing taxes thereon; and the levy, assessment, collection, payment, and distribution of a tax thereon; providing for issuing licenses for the privilege of engaging in the business of the sale thereof, and providing for the levy, assessment, collection, payment and distribution of a tax for the privilege of engaging in such business; providing for the regulation of the sales thereof; the enforcement of such tax and license,

and penalty for violation of this Act; defining the duties of state and county officials, and designating the funds into which the proceeds derived from such licenses and stamps shall be paid." Referred to Committee on Taxation.

MOTIONS AND RESOLUTIONS

Moved by Senator Church that Joint Rule No. 23 be suspended; motion duly seconded.

As a substitute motion to the motion by Senator Church, Senator Church moved that the House be requested to return Substitute for Substitute for House Bill No. 13 to the Senate; substitute motion duly seconded and lost by the following vote:

Ayes: Burr, Church, Clarke, Clifford, Coburn, Danielsen, Delaney, Ekegren, Garber, Harris, Himsl, Holt, Larson, MacGivra, Melton, Murphy, Page, Plumer, Putnam, Thien, Willis. Total 21.

Noes: Angvick, Armstrong, Campbell, Carey, Carroll, Cooper, Corwin, Donovan, Eaton, Galt, Hennessy, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Parkin, Pauline, Plank, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Walker, Wass, Wheeler. Total 33.

Absent and not voting: Duncan, Keeley. Total 2.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 4:26 P. M., until 4:45 P. M.

Pursuant to recess, the Senate reconvened at 4:45 P. M.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF SELECT COMMITTEES

The following Joint Conference Committee report was submitted:

Mr. President and Mr. Speaker: We, your Joint Conference Committee, having had under consideration House Bill No. 60, respectfully report as follows: Your said Joint Conference Committee has agreed as follows:

That the title be amended by striking out the period and the quotation marks after the word "Act" in line 12 of the engrossed bill and by inserting in lieu thereof a comma, and by adding immediately after said word "Act" the words "and repealing all Acts and parts of Act in conflict herewith."

That Sub-section (1) of Section 1 be amended by inserting after the word "person" and before the word "firm" in line 16 of the engrossed bill the word "co-partnership", followed by a comma.

That Sub-section (2) of Section 1 of the engrossed bill as amended by the Senate Amendment be stricken out entirely and that the following be inserted in lieu thereof, to-wit: "(2) the word "contractor" means and includes any person, firm or corporation accepting or offering to accept orders or contracts for doing any work on or in any building or structure, requiring the use of paint, stone, brick, mortar, wood, cement, structural, iron or steel, sheet iron, galvanized iron, metallic piping, tin, lead, electric wiring, or other materials, or any other building material; or who shall accept or offer to accept contracts to do any grading, paving, curbing, or other work on sidewalks, streets, alleys, or highways, public or private property, using asphalt, brick, stone, cement, concrete, wood, or any composition; or who shall accept or offer to accept an order for, or contract to, excavate earth, rock, or other material for foundations or any other pur-

pose; or who shall accept or offer to accept an order or contract to construct any sewer of stone, brick, terracotta, or other material, or who shall accept any other work which shall require labor or any other work to be done by labor other than solely by the personal labor of the person contracting to do such labor, or who shall construct or aid in the construction or improvement of any project enterprise or undertaking by contract."

That Section 2 of the engrossed bill as amended by Senate amendments be stricken out entirely and that the following be inserted in lieu thereof to-wit:

"Section 2. Every contractor shall pay to the State Board of Equalization a minimum annual license fee of \$1.00, and in addition thereto a license tax for engaging in and carrying on such business in this state of one-half of one per cent ($\frac{1}{2}$ of 1%) of the gross price or total payment received by such contractor for each and every such contract, project, enterprise or undertaking; that the license tax provided for in this Act shall apply only to contracts made and entered into from and after the date of the passage and approval of this Act and when the contract price amounts to the sum of Ten Thousand Dollars (\$10,000.00) or more. No bid on any contract to be let at public bidding shall be considered unless the number of the receipt issued to the bidder by the State Board of Equalization showing payment of the minimum annual license fee appears upon such bid, provided that where the annual license fee required under the provisions of this Act has been paid, and the license tax required by this Act has been paid on any contract made and entered into by the original contractor, no additional license tax shall be required to be paid in connection with the same contract by a sub-contractor.

That Section 3 of the engrossed bill as amended by Senate amendments be stricken out entirely and that the following be inserted in lieu thereof, to-wit:

"Section 3. Each contractor shall render such statements to the State Board of Equalization duly signed and sworn to, of all contracts entered into and all payments made to such contractor, done or contracted for within the State of Montana, and containing such other information, as the State Board of Equalization may require. Reports shall be rendered every three months to the State Board of Equalization and at such other times as the State Board may require. The original One Dollar (\$1.00) license fee shall be paid on or before January 1st of each year. The additional license tax shall be payable at such times and as shall be required by the rules of the State Board of Equalization. The year for which the license fee shall be required shall extend from March 1, 1934 for the year 1934, and thereafter from January 1, of each year."

That Section 10 of the engrossed bill as amended by Senate amendments be stricken out entirely and that the following be inserted in lieu thereof, to-wit:

"Section 10. Any and all expenses incurred by the State Board of Equalization in the administration of this Act shall be paid out of the funds accruing from the fees and taxes imposed by and collected under the provisions of this Act. All moneys collected under the provisions of this Act, less the expenses incurred in the administration of this Act, shall be deposited by said board with the State Treasurer who shall credit them to the Emergency Relief Fund, until such time as the Governor may issue a proclamation to the effect that the same is no longer required for such Emergency Relief Fund, and after the issuance of such proclamation and after deducting the expenses incurred in the administration of this Act, fifty per centum (50%) of such license fees and taxes shall be by the State Treasurer credited to the General Fund of the state, Twenty-five per centum (25%) to the Common School Equalization Fund and Twenty-five per centum (25%) to the Common School Interest and Income Fund."

That section numbered "12" of the engrossed bill be renumbered "13."

That a new section be inserted or added between Sections 11 and 13 and to be known and numbered as "Section 12" reading as follows:

"Section 12. All Acts and parts of Acts in conflict herewith are hereby repealed."

And recommend that House Bill No. 60 as so amended be concurred in, and that this report of your said Joint Conference Committee be adopted by the Senate and House.

SIMMONS,
SPARLING,

For the Senate.

BEADLE,
ROGNLIEN,
FOWLER,

For the House.

Joint Conference Committee.

Moved by Senator Simmons that the foregoing Joint Conference Committee report be adopted; motion duly seconded and carried by the following vote:

Ayes: Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekgren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kilduff, Lamp, Larson, MacGilvra, Melton, Murphy, Page, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Ruffcorn, Simmons, Sparling, Staggs, Thien, Walker, Wass, Wheeler. Total 41.

Noes: Angvick, Kemmis, Willis. Total 3.

Absent and not voting: Clifford, Keeley.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

Mr. President: I am directed by the House to inform you and the Honorable Senate that Committee on Federal Relations reported that Senate Joint Memorial No. 8 be concurred in; placed on General Orders; Committee of the Whole recommended that memorial be concurred in; referred to calendar for Third Reading; read third time, title and history agreed to and concurred in and the same is herewith returned to the Senate.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Mr. President: I am directed by the House to inform you and the Honorable Senate that Committee on Revenue and Taxation this day reported that Senate Bill No. 24 be concurred in as amended; referred to General Orders; Committee of the Whole recommended that same be concurred in and referred to calendar for Third Reading.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 4:56 P. M., subject to the call of the Chair.

Pursuant to recess, the Senate reconvened at 4:58 P. M.
 President presiding.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 4:59 P. M., until 11:00 A. M., Wednesday, January 17, 1934.

R. PAULINE,
 President of the Senate.

C. J. McALLISTER, Secretary.

FIFTY-SECOND DAY

Helena, Montana. January 17, 1934.

Senate convened at 11:00 a. m.
 President presiding.

Prayer by the Chaplain.

Roll call. All members were present except: Walker, excused.
 Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Fifty-first Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Committee on Taxation submitted the following report:

Mr. President: We, your Committee on Taxation, having had under consideration House Bill No. 63, respectfully report as follows: That House Bill No. 63 be amended as follows: (the following amendments made on the engrossed bill) that on page one line 22 strike out the words and figures "thirty-first (31) day of December" and insert in lieu thereof "the first day of February, 1935";

On page two line 12 after the word "thousand", strike out the word and figures "one (1)" and insert in lieu thereof the words and figures "one-half ($\frac{1}{2}$)" and in line 14 after the word "thousand" strike out the word and figure "two (2)" and insert in lieu thereof the word and figure "one (1)"; and in line 18 after the word "papers" strike out the words and figures "one-half cent ($\frac{1}{2}$)" and insert in lieu thereof the following "one-fourth cent ($\frac{1}{4}$)", and in line 20 after the word "papers" strike out the word and figure "one cent (1)" and insert in lieu thereof the words and figure "one-half cent ($\frac{1}{2}$ c)" and on line 21 strike out the first words and figure "one-half cent ($\frac{1}{2}$ c)" and insert in lieu thereof the words and figure "one-fourth cent ($\frac{1}{4}$ c)" and in line 23 after the word "tubes" strike out the words and figure "one cent (1c)" and insert in lieu thereof the following, "one-half cent ($\frac{1}{2}$ c)"; and on page 6 line 6 strike out the words "certain funds of the state," and insert in lieu thereof the words "the Emergency Relief Fund."

Section 15, line 10, strike out the first words and figures on said line "forty per cent (40%)" and insert in lieu thereof the words and figures "one hundred per cent (100%)" and in line eleven, strike out the semi-colon after the word "fund" and insert a period thereafter and then strike out the remainder of the section.

Amend Section 18, in line 26, by striking the period after the figure "1934" and adding thereafter a comma and words, "and shall be void from and after February first, 1935."

And, the same as amended, be concurred in.

RUFFCORN, Chairman.

Moved by Senator Ruffcorn that the foregoing report of the Committee on Taxation on House Bill No. 63 be adopted; motion duly seconded.

As a substitute motion to the motion by Senator Ruffcorn, Senator Keeley moved that House Bill No. 63 be not concurred in; substitute motion duly seconded and lost.

Action was thereupon had on the motion by Senator Ruffcorn that the foregoing report of the Committee on Taxation on House Bill No. 63 be adopted; which motion was carried.

SPECIAL ORDER OF BUSINESS

At 11:15 a. m., the Secretary again read the communication from the Governor, received January 16th, containing the nomination of Robert J. Kelly of Pondera county for Commissioner of Agriculture, which communication was by motion made a special order of business for this time.

Moved by Senator Kane that the nomination of the Governor, contained in the foregoing communication, be approved; motion duly seconded and lost by the following vote:

Ayes: Burr, Carroll, Clarke, Clifford, Cooper, Daniels, Delaney, Donovan, Hennessy, Himsl, Holt, Jergensen, Kane, Keeley, Kelsey, Kilduff, Lamp, Murphy, Plumer, Putnam, Sparling, Thien, Wass, Willis. Total 24.

Noes: Angvick, Campbell, Carey, Church, Coburn, Corwin, Duncan, Eaton, Galt, Garber, Harris, Holton, Husband, Kalberg, Kaulbach, Kemmis, Larson, Melton, Page, Parkin, Pauline, Plank, Reed, Rowland, Simmons, Staggs, Wheeler. Total 27.

Paired: Ruffcorn with Walker. Total 2.

Passed: Armstrong, Ekegren. Total 2.

Absent and not voting: MacGilvra.

MESSAGES FROM THE GOVERNOR

The following communication from the Governor was received and read:

January 17, 1934.

The President of the Senate,
Senate Chamber,
Helena, Montana.

I have the honor to advise you that I have this day approved Senate Bill No. 8, "An Act to cede jurisdiction to the United States over the Fort Peck Dam," etc.

F. H. COONEY, Governor.

MESSAGES FROM THE HOUSE

The following communications from the House were received and read:

January 16, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that Conference Committee report on House Amendments to Senate Bill No. 8, was, upon motion, adopted.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 16, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that Conference Committee report on Senate Amendments to House Bill No. 51, was upon roll call, adopted.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 17, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, upon motion, Conference Committee report on House Bill No. 60 was not concurred in, and Conference Committee was granted further time to report and the request made that the committee confer further with the Senate Conference Committee for the purpose of amendment.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Upon motion of Senator Kane, duly seconded and carried, the President appointed the following as Senate members of the committee to confer with a like committee from the House to consider Senate amendments to House Bill No. 60: Senators Simmons, Sparling, Thien.

January 16, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that Committee on Revenue and Taxation this day reported that Senate Bill No. 24 be concurred in as amended; referred to General Orders; Committee of the Whole recommended that same be concurred in and referred to calendar for Third Reading.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

January 17, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that, Senate Bill No. 24 was read third time, title agreed to and concurred in upon roll call and is herewith returned to the Senate.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Moved by Senator Larson that the Senate concur in House amendments to Senate Bill No. 24; motion duly seconded and carried by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Carroll, Church, Clarke, Clifford, Coburn, Cooper, Corwin, Danielsen, Delaney, Donovan, Duncan, Eaton, Ekegren, Galt, Garber, Harris, Hennessy, Himsl, Holt, Holton, Husband, Jergensen, Kalberg, Kane, Kaulbach, Keeley, Kelsey, Kemmis, Kilduff, Lamp, Larson, Murphy, Parkin, Pauline, Plank, Plumer, Putnam, Reed, Rowland, Simmons, Sparling, Staggs, Thien, Wass, Wheeler, Willis. Total 51.

Noes: None.

Paired: Ruffcorn with Walker.

Absent and not voting: MacGivra, Melton, Page. Total 3.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:59 a. m., until 1:30 p. m.

AFTERNOON SESSION

Pursuant to recess, the Senate reconvened at 1:30 p. m.

President presiding.

REPORTS OF SELECT COMMITTEES

The following Joint Conference Committee report was submitted:

January 17, 1934.

Mr. Speaker and Mr. President: We, your Joint Conference Committee having had under consideration House Bill No. 60, respectfully report as follows: Your said Joint Conference Committee has agreed as follows:

That the title be amended by striking out the period and the quotation marks after the word "Act" in line 12 of the engrossed bill and by inserting in lieu thereof a comma, and by adding immediately after said word "Act" the words "and repealing all Acts and parts of Acts in conflict herewith."

That sub-section (1) of Section 1 be amended by inserting after the word "person" and before the word "firm" in line 16 of the engrossed bill the word "co-partnership," followed by a comma.

That sub-section (2) of Section 1 of the engrossed bill as amended by Senate amendment be stricken out entirely and that the following be inserted in lieu thereof; to-wit:

"(2) The word "contractor" means and includes any person, firm or corporation accepting or offering to accept orders or contracts for doing any work on or in any building or structure, requiring the use of paint, stone, brick, mortar, wood, cement, structural iron or steel, sheet iron, galvanized iron, metallic piping, tin, lead, electric wiring, or other material, or any other building material, or who shall accept or offer to accept contracts to do any grading, paving, curbing or other work on sidewalks, streets, alleys, or highways, public or private property, using asphalt, brick, stone, cement, concrete, wood, or any composition; or who shall accept or offer to accept an order or contract to construct any sewer of stone, brick, terra cotta, or other material, or who shall accept any other work which shall require labor or any other work to be done by labor other than solely by the personal labor of the person contracting to do such labor, or who shall construct or aid in the construction or improvement of any project, enterprise or undertaking by contract.

That Section 2 of the engrossed bill as amended by Senate Amendments be stricken out entirely and that the following be inserted in lieu thereof, to-wit:

"Section 2. Every contractor shall pay to the State Board of Equalization a minimum annual license fee of \$1.00, and in addition thereto a license tax for engaging in and carrying on such business in this state of one-half of one per cent ($\frac{1}{2}$ of 1%) of the gross price or total payment received by such contractor for each and every such contract, project, enterprise or undertaking: That the license tax provided for in this Act shall apply only to contracts made and entered into from and after the date of the passage and approval of this Act and when the contract price amounts to the sum of Ten Thousand Dollars (\$10,000.00) or more. No bid on any contract to be let at public bidding shall be considered unless the number of the receipt issued to the bidder by the State Board of Equalization showing payment of the minimum annual license fee appears upon

such bid, provided that where the annual license fee required under the provisions of this Act has been paid, and the license required by this Act has been paid on any contract made and entered into by the original contractor, no additional license tax shall be required to be paid in connection with the same contract by a sub-contractor, and provided further that this Act shall not apply to contracts let by the War Department of the United States of America."

That Section 3 of the engrossed bill as amended by Senate amendments be stricken out entirely and that the following be inserted in lieu thereof, to-wit:

"Section 3. Each contractor shall render such statements to the State Board of Equalization duly signed and sworn to, or all contracts entered into and all payments made to such contractor, done or contracted for within the State of Montana, and containing such other information as the State Board of Equalization may require. Reports shall be rendered every three (3) months to the State Board of Equalization and at such other times as the State Board may require. The original One Dollar (\$1.00) license fee shall be paid on or before January 1st of each year. The additional license tax shall be payable at such times as shall be required by the rules of the State Board of Equalization. The year for which the license fee shall be required shall extend from March 1st, 1934, for the year 1934, and thereafter from January 1st of each year.

"That Section 10 of the engrossed bill as amended by Senate amendments be stricken out entirely and that the following be inserted in lieu thereof, to-wit:

"Section 10. Any and all expenses incurred by the State Board of Equalization in the administration of this Act shall be paid out of the funds accruing from the fees and taxes imposed by and collected under the provisions of this Act. All moneys collected under the provisions of this Act, less the expenses incurred in the administration of this Act, shall be deposited by said board with the State Treasurer who shall credit them to the Emergency Relief Fund, until such time as the Governor may issue a proclamation to the effect that the same is no longer required for such Emergency Relief Fund, and after the issuance of such proclamation and after deducting the expenses incurred in the administration of this Act, fifty per cent (50%) of such license fees and taxes shall be by the State Treasurer credited to the General Fund of the State, twenty-five percent (25%) to the Common School Equalization Fund and twenty-five percent (25%) to the Common School Interest and Income Fund."

That Section numbered "12" of the engrossed bill be renumbered "13."

That a new section be inserted or added between Sections 11 and 13 and to be known and numbered as "Section 12" reading as follows:

"Section 12. All Acts and parts of Acts in conflict herewith are hereby repealed."

And recommend that House Bill No. 60 as so amended be concurred in, and that this report of your said Joint Conference Committee be adopted by the Senate and House.

SIMMONS,
SPARLING,
THIEN,
For the Senate.

BEADLE,
ROGNLIEN,
FOWLER,
For the House.

Moved by Senator Simmons that the foregoing Joint Conference Committee report on House Bill No. 60 be adopted; motion duly seconded.

As a substitute motion to the motion by Senator Simmons, Senator Burr moved that the Senate do not concur in the Joint Conference Committee report; substitute motion duly seconded and lost by the following vote:

Ayes: Angvick, Armstrong, Burr, Coburn, Cooper, Danielsen, Delaney, Galt, Garber, Holt, Husband, Keeley, Larson, MacGilvra, Melton, Murphy, Page, Reed, Rowland, Willis. Total 20.

Noes: Campbell, Carey, Carroll, Church, Clarke, Clifford, Corwin, Donovan, Duncan, Eaton, Ekegren, Harris, Hennessy, Himsl, Holton, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Parkin, Pauline, Plank, Plumer, Putnam, Simmons, Sparling, Staggs, Thien, Wass, Wheeler. Total 34.

Paired: Ruffcorn with Walker.

Absent and not voting: None.

Action was thereupon had on the motion by Senator Simmons that the Joint Conference Committee report on House Bill No. 60 be adopted; which motion was carried by the following vote:

Ayes: Campbell, Carey, Carroll, Church, Clarke, Clifford, Corwin, Delaney, Donovan, Duncan, Eaton, Ekegren, Harris, Hennessy, Himsl, Holton, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, Parkin, Plank, Plumer, Putnam, Simmons, Sparling, Staggs, Thien, Wass, Wheeler. Total 34.

Noes: Angvick, Armstrong, Burr, Coburn, Cooper, Danielsen, Garber, Holt, Husband, Keeley, Larson, MacGilvra, Melton, Murphy, Page, Pauline, Reed, Rowland, Willis. Total 19.

Paired: Ruffcorn with Walker.

Absent and not voting: Galt.

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

January 17, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that Beadle offered report of Conference Committee on House Bill No. 60 and after same was read the Chair ruled that a Conference Committee has no authority to act on any matters except those specifically referred to it, namely, the matters upon which a difference exists as between the House and the Senate, in this case, the only matters upon which a difference existed were Senate amendments to House Bill No. 60, therefore the Conference Committee had no authority to make recommendations concerning the bill itself.

Whereupon Beadle withdrew the report for revision to conform with the ruling of the Chair.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Rowland in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 63 be concurred in.

ROWLAND, Chairman.

Upon motion of Senator Rowland, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

Moved by Senator Kane, duly seconded and carried, that all bills considered on Third Reading this day be read by title only and be considered read at length.

THIRD READING OF BILLS

H. B. No. 63, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Carroll, Clarke, Cooper, Corwin, Duncan, Eaton, Ekegren, Galt, Harris, Hennessy, Himsl, Holt, Holton, Jergensen, Kalberg, Kane, Kaulbach, Kelsey, Kemmis, Kilduff, Lamp, MacGivra, Murphy, Parkin, Pauline, Plank, Plumer, Putnam, Simmons, Sparling, Staggs, Thien, Wass, Wheeler. Total 35.

Noes: Armstrong, Burr, Campbell, Church, Clifford, Coburn, Danielson, Delaney, Garber, Husband, Keeley, Larson, Melton, Reed, Rowland, Willis. Total 16.

Paired: Ruffcorn with Walker.

Absent and not voting: Carey, Donovan, Page. Total 3.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 3:12 P. M., until 4:00 P. M.

Pursuant to recess, the Senate reconvened at 4:00 P. M.

President presiding.

The President signed in open Session: House Bill No. 12; House Bill No. 28; House Bill No. 51.

REPORTS OF STANDING COMMITTEES

The Committee on Enrolled Bills submitted the following report:

Mr. President: We, your Committee on Enrolled Bills, to whom was referred Senate Bill No. 24 and Senate Joint Memorial No. 8, beg leave to report same back correctly enrolled and duly verified.

CLARKE, Chairman.

Report adopted.

The President signed in open Session: Senate Bill No. 24; Senate Joint Memorial No. 8.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 4:10 P. M., until 5:00 P. M.

Pursuant to recess, the Senate reconvened at 5:00 P. M.

President presiding.

REPORTS OF STANDING COMMITTEES

The Committee on Employment submitted the following report:

Mr. President: We, your Committee on Employment, beg leave to report and recommend that the following named employes be retained on the Senate organization and remain after today, Wednesday, January 17, 1934, to complete the unfinished business for the number of days designed in this report, and to receive the same salary as heretofore paid for their respective positions:

C. J. McAllister, Secretary, 3 days.

Edna Hinman, Stenographer to Secretary, 2 days.

Margaret Moore, Bill Clerk, 2 days.

Ben Lamb, Journal Clerk, 3 days.

Fern Millsap, Assistant Journal Clerk, 3 days.

C. H. Mahoney, Proofreader, 3 days.

H. A. Hetherington, Sergeant-at-Arms, 3 days.

Elizabeth Knopf, Stenographer to Sergeant, 3 days; two Janitors, 3 days.

Two Assistant Sergeants, 3 days, the Janitors and Assistants to be selected by the Sergeant-at-Arms.

We do recommend that inasmuch as the business of the Senate organization is practically completed that the services of all other employes be dispensed with.

THIEN, Chairman.

RUFFCORN,

HOLTON,

Employment Committee.

Report adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 5:04 P. M., until 8:00 P. M.

EVENING SESSION

Pursuant to recess, the Senate reconvened at 8:00 P. M.

President presiding.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 8:01 P. M., subject to the Call of the Chair.

Pursuant to recess, the Senate reconvened at 9:45 P. M.

President presiding.

MOTIONS AND RESOLUTIONS

Moved by Senator Campbell, duly seconded and carried, that the House be requested to return House Bill No. 60 to the Senate.

With unanimous consent, the Senate reverted to:

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

January 17th, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that House Bill No. 82 was this day introduced without

previous notice by unanimous consent of the House; read first and second time at length and referred to Committee on Appropriations; committee recommends bill do pass; report adopted and, upon motion, considered correctly printed, and referred to General Orders; recommended favorably by Committee of Whole; report adopted and, upon motion, considered correctly engrossed and placed on Third Reading; read third time and passed, title and history agreed to and the bill is herewith transmitted to the Senate for its concurrence:

“An Act providing for the administration and expenditure of the Emergency Relief Fund and appropriating money for the Relief Commission for a period beginning January 1, 1934, and ending March 1, 1935.”

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bill was introduced, read first and second times, and referred:

H. B. No. 82, introduced by Appropriations Committee: A bill for an Act entitled: “An Act providing for the administration and expenditure of the Emergency Relief Fund and appropriating money for the Relief Commission for a period beginning January 1, 1934, and ending March 1, 1935.” Referred to Judiciary Committee.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 9:54 P. M., subject to the call of the Chair.

Pursuant to recess, the Senate reconvened at 10:06 P. M.

President presiding.

With unanimous consent, the Senate reverted to:

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

January 17, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that the following House bill was this day introduced without previous notice by unanimous consent of the House; read first and second time at length and referred to Committee on Appropriations; committee recommended bill do pass; report adopted and, upon motion, considered correctly printed and referred to General Orders; recommended favorably by Committee of the Whole; report adopted and, upon motion, considered correctly engrossed and placed on Third Reading; read third time and passed, title and history agreed to and the bill is herewith transmitted to the Senate for its concurrence:

H. B. No. 83, introduced by Committee on Appropriations: A bill for an Act entitled: “An Act to appropriate money from the General Fund for the operation and maintenance of the Governor’s Mansion and Office. The appropriations made by the Twenty-third Legislative Assembly having been found insufficient.”

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

INTRODUCTION OF BILLS

The following bill was introduced, read first and second times, and referred:

H. B. No. 83. Introduced by Appropriations Committee, by request. A bill for an Act entitled: “An Act to appropriate money from the General

Fund for the operation and maintenance of the Governor's mansion and office, the appropriations made by the Twenty-third Legislative Assembly having been found insufficient." Referred to Committee on Finance and Claims.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 10:11 p. m. subject to the call of the Chair.

Pursuant to recess, the Senate reconvened at 10:23 p. m.

President presiding.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 10:24 p. m., until 10:00 a. m., Thursday, January 18, 1934.

R. PAULINE,

President of the Senate.

C. J. McALLISTER, Secretary.

FIFTY-THIRD DAY

Helena, Montana. January 18, 1934.

Senate convened at 10:00 a. m.

President presiding.

Prayer by the Chaplain.

Roll call. All members were present except: Carroll, excused. Melton, absent.

Quorum present.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 10:05 a. m., subject to the call of the Chair.

Pursuant to recess, the Senate reconvened at 10:46 a. m.

President presiding.

The President signed in open session: House Bill No. 63.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Fifty-second Day and have found the same correct.

GARBER, Chairman.

Report adopted.

REPORTS OF STANDING COMMITTEES

The Judiciary Committee submitted the following report:

Mr. President: We, your Committee on Judiciary, having had under consideration House Bill No. 82, by Appropriations Committee, respectfully report and recommend as follows:

That the title to said bill be amended by adding in line 2, thereof, original bill, after the word "the" where used the second time, the word "Montana."

That said bill be further amended in Section 2, original bill, by striking out in line 15 the word "Emergency," and by further striking out in line 19 the period immediately following the word "funds," and inserting a comma in lieu thereof, and by adding the words, "and for providing means of employment for the unemployed."

That said bill be further amended by striking out all of line 27 following the period after the word "examiners" and by further striking out all of lines 28, 29 and 30 of said original bill, and inserting in lieu thereof the following:

"The fiscal rules and regulations of the United States government, as enjoined upon the Montana Relief Commission, shall be used as the method of accounting for all funds appropriated under this Act."

That said bill be further amended by striking out in Section 3, on page 2, original bill, the word "emergency" in line 2 thereof and inserting in lieu thereof the word, "Montana."

And, as so amended, recommend said H. B. No. 82 be concurred in.

CAMPBELL, Chairman.

Report adopted.

MOTIONS AND RESOLUTIONS

Moved by Senator Kane, duly seconded and carried, that all bills considered on General File this day be read by title and history only, opened for amendment section by section by reading section numbers only, and be considered read at length.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:01 a. m., subject to the call of the Chair.

Pursuant to recess, the Senate reconvened at 11:58 a. m.

President presiding.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 11:59 a. m., subject to the call of the Chair.

Pursuant to recess, the Senate reconvened at 3:45 p. m.

President presiding.

With unanimous consent, the Senate reverted to:

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

January 18, 1934.

Mr. President: I am directed by the House to inform you and the Honorable Senate that upon motion of Beadle, duly seconded and carried, the request of the Senate for the return of House Bill No. 60 was granted and the bill is herewith returned to the Senate.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Moved by Senator Campbell, duly seconded and unanimously carried, that the Senate reconsider its vote of yesterday in adopting the Conference Committee report on House Bill No. 60.

Moved by Senator Campbell, duly seconded and unanimously carried, that the Senate reconsider its vote of yesterday in passing House Bill No. 60 on Third Reading.

Moved by Senator Campbell, duly seconded and unanimously carried, that House Bill No. 60, be re-referred to the Committee on Taxation.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Husband in the Chair.
 Committee arose.
 Senate resumed.
 President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration business on General File, respectfully report and recommend as follows:

That H. B. No. 82 be concurred in.

HUSBAND, Chairman.

Upon motion of Senator Husband, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

H. B. No. 82, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Armstrong, Burr, Campbell, Carey, Clarke, Coburn, Corwin, Danielsen, Duncan, Ekegren, Galt, Garber, Harris, Hennessy, Holton, Husband, Kalberg, Kane, Keeley, Kelsey, Lamp, Larson, Murphy, Page, Parkin, Plumer, Putnam, Rowland, Ruffcorn, Simmons, Sparling, Wass, Wheeler, Willis. Total 35.

Noes: None.

Paired: Delaney with Himsl, Pauline with Walker. Total 4.

Absent and not voting: Carroll, Church, Clifford, Cooper, Donovan, Eaton, Holt, Jergensen, Kaulbach, Kemmis, Kilduff, MacGilvra, Melton, Plank, Reed, Staggs, Thien. Total 17.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 3:56 p. m., subject to the call of the Chair.

Pursuant to recess, the Senate reconvened at 4:20 p. m.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Finance and Claims submitted the following report:

Mr. President: We, your Committee on Finance and Claims, having had under consideration House Bill No. 83, respectfully report as follows: That House Bill No. 83 be amended as follows:

By striking out in Section 1, line 17, the words: "Three Thousand Twenty-five Dollars \$3,025.00," and inserting in lieu thereof, the words and figures: "Two Thousand Five Hundred (\$2,500.00)."

And by striking out in line 22, of Section 1, the words and figures "One Thousand Eight Hundred Ninety Dollars \$1,890.00," and substituting in lieu thereof, the words and figures, "One Thousand Five Hundred (\$1,500.00) Dollars."

And, as so amended, recommend that the same be concurred in.

STAGGS, Vice-Chairman.

Report adopted.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Husband in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 83 be concurred in.

HUSBAND, Chairman.

Upon motion of Senator Husband, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

H. B. No. 83, having been read at length three several times, was concurred in by the following vote:

Ayes: Burr, Church, Clarke, Corwin, Danielsen, Delaney, Eaton, Hennessy, Himsl, Holton, Kane, Keeley, Kelsey, Kemmis, Lamp, Murphy, Page, Plank, Plumer, Putnam, Reed, Ruffcorn, Simmons, Sparling, Staggs, Thien, Wass, Willis. Total 28.

Noes: Armstrong, Campbell, Coburn, Duncan, Ekegren, Galt, Harris, Husband, Kalberg, Larson, Parkin. Total 11.

Paired: Pauline with Walker. Total 2.

Absent and not voting: Angvick, Carey, Carroll, Clifford, Cooper, Donovan, Garber, Holt, Jergensen, Kaulbach, Kilduff, MacGilvra, Melton, Rowland, Wheeler. Total 15.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 4:31 P. M., subject to the call of the Chair.

Pursuant to recess, the Senate reconvened at 5:10 P. M.

President presiding.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 5:11 P. M., until 8:00 P. M.

EVENING SESSION

Pursuant to recess, the Senate reconvened at 8:00 P. M.

President presiding.

With unanimous consent, the Senate reverted to:

REPORTS OF STANDING COMMITTEES

The Committee on Taxation submitted the following report:

Mr. President: We, your Committee on Taxation, having had under consideration House Bill No. 60, beg leave to report as follows:

That the amendments made by the Conference Committee report be stricken out, and likewise that the Senate recede from all amendments made by the Committee on Taxation and the Committee of the Whole to House Bill No. 60 and that House Bill No. 60 be amended to read as follows:

That the title be amended by striking out the period and the quotation marks after the word "Act" in line 12 of the engrossed bill and by inserting thereafter a comma and the words, "and repealing all Acts and parts of Acts in conflict herewith."

That Sub-section (1) of Section 1 be amended by inserting after the word "person" and before the word "firm" in line 16 of the engrossed bill the word "co-partnership."

That Sub-section (2) of Section 1 of the engrossed bill be stricken out and that the following be inserted in lieu thereof:

"(2) The word 'contractor' means and includes any person, firm or corporation accepting or offering to accept orders or contracts for doing any work on or in any building or structure, requiring the use of paint, stone, brick, mortar, wood, cement, structural iron or steel, sheet iron, galvanized iron, metallic piping, tin, lead, electric wiring, or other material, or any other building material, or who shall accept or offer to accept contracts to do any grading, paving, curbing or other work on sidewalks, streets, alleys, or highways, public or private property, using asphalt, brick, stone, cement, concrete, wood, or any composition; or who shall accept or offer to accept an order or contract to construct any sewer of stone, brick, terra cotta, or other material, or who shall accept any other work which shall require labor or any other work to be done by labor other than solely by the personal labor of the person contracting to do such labor, or who shall construct or aid in the construction or improvement of any project, enterprise or undertaking by contract."

That Section 2 of the engrossed bill be stricken out and that the following be inserted in lieu thereof:

"Section 2. Every contractor shall pay to the State Board of Equalization for engaging in and carrying on such business in this state an annual minimum license fee of One Dollar (\$1.00) plus an additional amount based upon gross receipts, and provided further, that when the gross receipts of contractors in any one year in payment of contracts increases to the amounts hereinafter set forth, the license fee shall be increased as follows:

When the gross amounts received on all orders or contracts is more than five thousand dollars and less than ten thousand dollars, the license fee shall be fifteen dollars;

When the gross amount receipts exceed ten thousand dollars and not more than twenty thousand dollars, the license fee shall be twenty dollars;

When the gross receipts exceed twenty thousand dollars and do not exceed fifty thousand dollars, the total license fee shall be twenty-five dollars;

When the gross receipts exceed fifty thousand dollars and do not exceed one hundred thousand dollars, the total license fee shall be sixty-five dollars;

When the gross receipts exceed one hundred thousand dollars and do not exceed one hundred fifty thousand dollars, the total license fee shall be one hundred and twenty-five dollars;

When the gross receipts exceed one hundred and fifty thousand dollars and do not exceed three hundred thousand dollars, the total license fee shall be one hundred and seventy-five dollars;

When the gross receipts exceed three hundred thousand dollars and do not exceed five hundred thousand dollars, the total license fee shall be three hundred dollars;

When the gross receipts exceed five hundred thousand dollars, and do not exceed over one million dollars, the total license fee shall be three hundred and fifty dollars;

When the gross receipts are one million dollars or over, the total license fee shall be four hundred dollars.

No bid on any contract to be let at public bidding shall be considered unless the number of the receipt issued to the bidder for payment of the minimum annual license fee appears upon such bid."

That Section 3 of the engrossed bill be amended by striking out the whole section and inserting in lieu thereof the following:

"Section 3. Each contractor shall render such statements to the State Board of Equalization duly signed and sworn to of all contracts entered into and all payments made to such contractor, done or contracted for within the State of Montana, and containing such other information, as the State Board of Equalization may require. Reports shall be rendered every three (3) months to the State Board of Equalization and at such other times as the State Board may require. The original One Dollar (\$1.00) license fee shall be paid on or before January 1st of each year. The additional license tax shall be payable at such times as shall be required by the rules of the State Board of Equalization. The year for which the license fee shall be required shall extend from March 1st, 1934, for the year 1934, and thereafter from January 1st of each year."

That Section 10 of the engrossed bill be amended by striking out the whole section and inserting in lieu thereof the following:

"Section 10. Any and all expenses incurred by the State Board of Equalization in the administration of this Act shall be paid out of the funds accruing from the fees and taxes imposed by and collected under the provisions of this Act. All moneys collected under the provisions of this Act, less the expenses incurred in the administration of this Act, shall be deposited by said board with the State Treasurer who shall credit them to the Emergency Relief Fund, until such time as the Governor may issue a proclamation to the effect that the same is no longer required for such Emergency Relief Fund, and after the issuance of such proclamation and after deducting the expenses incurred in the administration of this Act, fifty per cent (50%) of such license fees and taxes shall be by the State Treasurer credited to the General Fund of the state, twenty-five per cent (25%) to the Common School Equalization Fund and twenty-five per cent (25%) to the Common School Interest and Income Fund."

That Section 12 of the engrossed bill be renumbered to read Section 13.

That a new section be inserted or added between Sections 11 and 13 to be known as Section 12 reading as follows:

"Section 12. All Acts and parts of Acts in conflict herewith are hereby repealed."

And that the above bill, House Bill No. 60, as so amended, be concurred in.

RUFFCORN, Chairman.

Moved by Senator Ruffcorn that the foregoing report of the Committee on Taxation be adopted; motion duly seconded.

Moved by Senator Husband that the Senate recess until 8:40 P. M.; motion duly seconded and lost by a standing vote.

As a substitute motion to the motion by Senator Ruffcorn, Senator Keeley moved that the Taxation Committee report on House Bill No. 60 be not adopted; substitute motion duly seconded and lost.

Action was thereupon had on the motion by Senator Ruffcorn that the Taxation Committee report on House Bill No. 60 be adopted; which motion was carried.

BUSINESS ON GENERAL FILE

Upon motion of Senator Kane, duly seconded and carried, the Senate resolved itself into Committee of the Whole for the consideration of Business on General File.

Senator Husband in the Chair.

Committee arose.

Senate resumed.

President presiding.

The Committee of the Whole submitted the following report:

Mr. President: We, your Committee of the Whole, having had under consideration Business on General File, respectfully report and recommend as follows:

That H. B. No. 60 be concurred in.

HUSBAND, Chairman.

Upon motion of Senator Husband, duly seconded and carried, the foregoing report of the Committee of the Whole was adopted.

THIRD READING OF BILLS

H. B. No. 60, having been read at length three several times, was concurred in by the following vote:

Ayes: Angvick, Burr, Campbell, Carey, Church, Clarke, Corwin, Danielsen, Eaton, Ekegren, Harris, Hennessy, Holton, Husband, Kalberg, Kane, Kelsey, Kilduff, Larson, MacGilvra, Murphy, Page, Parkin, Plank, Plumer, Putnam, Rowland, Ruffcorn, Sparling, Staggs, Thien, Wass, Willis. Total 33.

Noes: Armstrong, Coburn, Garber, Holt, Keeley, Lamp, Simmons. Total 7.

Paired: Delaney with Himsl.

Paired: Pauline with Walker.

Absent and not voting: Carroll, Clifford, Cooper, Donovan, Duncan, Galt, Jergensen, Kaulbach, Kemmis, Melton, Reed, Wheeler. Total 12.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 8:43 p. m., subject to the call of the Chair.

Pursuant to recess, the Senate reconvened at 9:45 p. m.

President presiding.

The President signed in open session: House Bill No. 82, House Bill No. 83.

With unanimous consent, the Senate reverted to:

MESSAGES FROM THE HOUSE

The following communication from the House was received and read:

January 18, 1934.

Mr. President: I am directed by the House to advise you and the Honorable Senate that Senate Amendments to House Bill No. 60 were concurred in by the Committee of the Whole, read three several times and passed on roll call.

Respectfully,

JOHN J. JEWELL,
Chief Clerk.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 9:52 p. m., subject to the call of the Chair.

Pursuant to recess, the Senate reconvened at 11:55 p. m.
 President presiding.

Upon motion of Senator Kane, duly seconded and carried, the Senate adjourned at 11:56 p. m., until 10:00 a. m. Friday, January 19, 1934.

R. PAULINE,
 President of the Senate.

C. J. McALLISTER, Secretary.

FIFTY-FOURTH DAY

Helena, Montana. January 19, 1934.

Senate convened at 10:00 a. m.
 President presiding.

Prayer by the Chaplain.

Roll call. All members were present except: Carroll, Clifford, Delaney, Duncan, Kaulbach, Keeley, Melton, Walker, Wheeler, Willis, excused.

Quorum present.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Fifty-third Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

Upon motion of Senator Kane, duly seconded and carried, the Senate recessed at 10:08 a. m., subject to the call of the Chair.

Pursuant to recess, the Senate reconvened at 11:27 a. m.
 President presiding.

The President signed in open session: House Bill No. 60.

REPORTS OF STANDING COMMITTEES

The Committee on Employment submitted the following report:

Mr. President: We, your Committee on Employment, beg leave to report and recommend that the following named employees be retained on the Senate organization for two days, January 18th and 19th, for work in completing the Senatorial services.

Mrs. Ethel Langdorf, stenographer	2 days
Margaret Woods, committee clerk	2 days
Flora Best, stenographer	1 day
Charles Miles, page	2 days
Earl Gooley, page	2 days
Jack Parr, page	2 days
Gerald Crowley, page	2 days
Edgington, Rev. Robt. C. Chaplain	2 days
H. A. Hetherington, Sergeant-at-Arms	3 days

Beginning with January 21st, 1934.

Bingaman, D. doorkeeper,2 days

THIEN, Chairman.
 HOLTON,
 RUFFCORN.

The Committee on Journal submitted the following report:

Mr. President: We, your Committee on Journal, have this day examined the Journal for the Fifty-fourth Legislative Day and have found the same correct.

GARBER, Chairman.

Report adopted.

A committee from the House was received at this time; the committee advised the Senate that the House had completed its business and was ready to adjourn sine die.

Moved by Senator Kane, duly seconded and carried, that the President appoint two committees of three members each; one to notify the Governor that the Senate, having completed its business, was ready to adjourn sine die; and the other to deliver a like message to the House of Representatives.

The President appointed the following to notify the Governor: Senators Larson, Burr, Thien.

The President appointed the following to notify the House: Senators Ruffcorn, Kilduff, Harris.

REPORTS OF COMMITTEES

Senator Larson, chairman of the committee to wait upon the Governor, reported that the committee had informed the Governor that the Senate had completed its business and was ready to adjourn sine die. Committee was discharged.

Senator Ruffcorn, chairman of the committee to wait upon the House, reported that the committee had informed the House that the Senate had completed its business and was ready to adjourn sine die. Committee was discharged.

Upon motion of Senator Cooper, duly seconded and carried, the Senate of the Extraordinary Session of the Twenty-third Legislative Assembly adjourned sine die at 11:26 a. m.

R. PAULINE,
President of the Senate.

C. J. McALLISTER, Secretary.

